

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2064

AN ACT

AMENDING SECTION 15-241, ARIZONA REVISED STATUTES; REPEALING SECTION 15-756, ARIZONA REVISED STATUTES; RENUMBERING SECTION 15-756.01, ARIZONA REVISED STATUTES, AS SECTION 15-757; AMENDING TITLE 15, CHAPTER 7, ARTICLE 3.1, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 15-756 AND 15-756.01 AND SECTIONS 15-756.02 THROUGH 15-756.13; AMENDING SECTIONS 15-901, 15-910, 15-943 AND 41-1279.03, ARIZONA REVISED STATUTES; MAKING APPROPRIATIONS; RELATING TO ENGLISH LANGUAGE LEARNERS; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-241, Arizona Revised Statutes, is amended to
3 read:

4 15-241. School accountability: schools failing to meet academic
5 standards; failing schools tutoring fund

6 A. The department of education shall compile an annual achievement
7 profile for each public school.

8 B. Each school shall submit to the department any data that is
9 required and requested and that is necessary to compile the achievement
10 profile. A school that fails to submit the information that is necessary is
11 not eligible to receive monies from the classroom site fund established by
12 section 15-977.

13 C. The department shall establish a baseline achievement profile for
14 each school by October 15, 2001. The baseline achievement profile shall be
15 used to determine a standard measurement of acceptable academic progress for
16 each school and a school classification pursuant to subsection G of this
17 section. Any disclosure of educational records compiled by the department of
18 education pursuant to this section shall comply with the family educational
19 and privacy rights act of 1974 (20 United States Code section 1232g).

20 D. The achievement profile for schools that offer instruction in
21 kindergarten programs and grades one through eight, or any combination of
22 those programs or grades, shall include the following school academic
23 performance indicators:

24 1. The Arizona measure of academic progress. The department shall
25 compute the extent of academic progress made by the pupils in each school
26 during the course of each year.

27 2. The Arizona instrument to measure standards test. The department
28 shall compute the percentage of pupils who meet or exceed the standard on the
29 Arizona instrument to measure standards test, as prescribed by the state
30 board of education.

31 3. THE RESULTS OF ENGLISH LANGUAGE LEARNERS TESTS ADMINISTERED
32 PURSUANT TO SECTION 15-756, SUBSECTION B, SECTION 15-756.05 AND SECTION
33 15-756.06.

34 E. The achievement profile for schools that offer instruction in
35 grades nine through twelve, or any combination of those grades, shall include
36 the following school academic performance indicators:

37 1. The Arizona instrument to measure standards test. The department
38 shall compute the percentage of pupils pursuant to subsection F of this
39 section who meet or exceed the standard on the Arizona instrument to measure
40 standards test, as prescribed by the state board of education.

41 2. The annual dropout rate.

42 3. The annual graduation rate.

43 4. THE RESULTS OF ENGLISH LANGUAGE LEARNERS TESTS ADMINISTERED
44 PURSUANT TO SECTION 15-756, SUBSECTION B, SECTION 15-756.05 AND SECTION
45 15-756.06.

1 F. Subject to final adoption by the state board of education, the
2 department shall determine the criteria for each school classification using
3 a research based methodology. The methodology shall include the performance
4 of pupils at all achievement levels, account for pupil mobility, account for
5 the distribution of pupil achievement at each school and include longitudinal
6 indicators of academic performance. For the purposes of this subsection,
7 "research based methodology" means the systematic and objective application
8 of statistical and quantitative research principles to determine a standard
9 measurement of acceptable academic progress for each school.

10 G. The achievement profile shall be used to determine a school
11 classification that designates each school as one of the following:

- 12 1. An excelling school.
- 13 2. A highly performing school.
- 14 3. A performing school.
- 15 4. An underperforming school.
- 16 5. A school failing to meet academic standards.

17 H. The classification for each school and the criteria used to
18 determine classification pursuant to subsection F of this section shall be
19 included on the school report card prescribed in section 15-746.

20 I. Subject to final adoption by the state board of education, the
21 department of education shall develop a parallel achievement profile for
22 accommodation schools, alternative schools as defined by the state board of
23 education and schools with a student count of fewer than one hundred pupils.

24 J. If a school is designated as an underperforming school, within
25 ninety days after receiving notice of the designation, the governing board
26 shall develop an improvement plan for the school, submit a copy of the plan
27 to the superintendent of public instruction and supervise the implementation
28 of the plan. The plan shall include necessary components as identified by
29 the state board of education. Within thirty days after submitting the
30 improvement plan to the superintendent of public instruction, the governing
31 board shall hold a special public meeting in each school that has been
32 designated as an underperforming school and shall present the respective
33 improvement plans that have been developed for each school. The school
34 district governing board, within thirty days of receiving notice of the
35 designation, shall provide written notification of the classification to each
36 residence within the attendance area of the school. The notice shall explain
37 the improvement plan process and provide information regarding the public
38 meeting required by this subsection.

39 K. A school that has not submitted an improvement plan pursuant to
40 subsection J of this section is not eligible to receive monies from the
41 classroom site fund established by section 15-977 for every day that a plan
42 has not been received by the superintendent of public instruction within the
43 time specified in subsection J of this section plus an additional ninety
44 days. The state board of education shall require the superintendent of the

1 school district to testify before the board and explain the reasons that an
2 improvement plan for that school has not been submitted.

3 L. If a charter school is designated as an underperforming school,
4 within thirty days the school shall notify the parents of the students
5 attending the school of the classification. The notice shall explain the
6 improvement plan process and provide information regarding the public meeting
7 required by this subsection. Within ninety days of receiving the
8 classification, the charter holder shall present an improvement plan to the
9 charter sponsor at a public meeting and submit a copy of the plan to the
10 superintendent of public instruction. The improvement plan shall include
11 necessary components as identified by the state board of education. For
12 every day that an improvement plan is not received by the superintendent of
13 public instruction, the school is not eligible to receive monies from the
14 classroom site fund established by section 15-977 for ninety days plus every
15 day that a plan is not received. The charter holder shall appear before the
16 sponsoring board and explain why the improvement plan has not been submitted.

17 M. The department of education shall establish an appeals process, to
18 be approved by the state board of education, for a school to appeal data used
19 to determine the achievement profile of the school. The criteria established
20 shall be based on mitigating factors and may include a visit to the school
21 site by the department of education.

22 N. If a school remains classified as an underperforming school for a
23 third consecutive year, the department of education shall visit the school
24 site to confirm the classification data and to review the implementation of
25 the school's improvement plan. The school shall be classified as failing to
26 meet academic standards unless an alternate classification is made after an
27 appeal pursuant to subsection M of this section.

28 O. The school district governing board, within thirty days of
29 receiving notice of the school failing to meet academic standards
30 classification, shall provide written notification of the classification to
31 each residence in the attendance area of the school. The notice shall
32 explain the improvement plan process and provide information regarding the
33 public meeting required by subsection R of this section.

34 P. The superintendent of public instruction, based on need, shall
35 assign a solutions team to an underperforming school or a school failing to
36 meet academic standards comprised of master teachers, fiscal analysts and
37 curriculum assessment experts who are certified by the state board of
38 education as Arizona academic standards technicians. The department of
39 education may hire or contract with administrators, principals and teachers
40 who have demonstrated experience with the characteristics and situations in
41 an underperforming school or a school failing to meet academic standards and
42 may use these personnel as part of the solutions team. The team shall work
43 with staff at the school to assist in curricula alignment and shall instruct
44 teachers on how to increase pupil academic progress, considering the school's
45 achievement profile. The team shall select two master teachers to be

1 employed by the school. The solutions team shall consider the existing
2 improvement plan to assess the need for changes to curriculum, professional
3 development and resource allocation.

4 Q. The parent or the guardian of the pupil may apply to the department
5 of education, in a manner determined by the department of education, for a
6 certificate of supplemental instruction from the failing schools tutoring
7 fund established by this section. Pupils attending a school designated as an
8 underperforming school or a school failing to meet academic standards or a
9 pupil who has failed to pass one or more portions of the Arizona instrument
10 to measure standards test in order to graduate from high school may select an
11 alternative tutoring program in academic standards from a provider that is
12 certified by the state board of education. To qualify, the provider must
13 guarantee in writing a stated level of academic improvement for the pupil
14 that includes a timeline for improvement that is agreed to by the parent or
15 guardian of the pupil and the provider shall agree to refund to the state the
16 standards assistance grant monies if the guaranteed level of academic
17 improvement is not met. The state board of education shall determine the
18 application guidelines and the maximum value for each certificate of
19 supplemental instruction. The state board of education shall annually
20 complete a market survey in order to determine the maximum value for each
21 certificate of supplemental instruction. Nothing in this subsection shall be
22 construed to require the state to provide additional monies beyond the monies
23 provided pursuant to section 42-5029, subsection E, paragraph 7.

24 R. Within sixty days of receiving notification of designation as a
25 school failing to meet academic standards, the school district governing
26 board shall evaluate needed changes to the existing improvement plan for the
27 school, consider recommendations from the solutions team, submit a copy of
28 the plan to the superintendent of public instruction and supervise the
29 implementation of the plan. Within thirty days after submitting the
30 improvement plan to the superintendent of public instruction, the governing
31 board shall hold a public meeting in each school that has been designated as
32 a school failing to meet academic standards and shall present the respective
33 improvement plans that have been developed for each school.

34 S. A school that has not submitted an improvement plan pursuant to
35 subsection R of this section is not eligible to receive monies from the
36 classroom site fund established by section 15-977 for every day that a plan
37 has not been received by the superintendent of public instruction within the
38 time specified in subsection R of this section plus an additional ninety
39 days. The state board of education shall require the superintendent of the
40 school district to testify before the board and explain the reasons that an
41 improvement plan for that school has not been submitted.

42 T. If a charter school is designated as a school failing to meet
43 academic standards, the department of education shall immediately notify the
44 charter school's sponsor. The charter school's sponsor shall either take
45 action to restore the charter school to acceptable performance or revoke the

1 charter school's charter. Within thirty days the school shall notify the
2 parents of the students attending the school of the classification and of any
3 pending public meetings to review the issue.

4 U. A school that has been designated as a school failing to meet
5 academic standards shall be evaluated by the department of education to
6 determine if the school failed to properly implement its school improvement
7 plan, the alignment of the curriculum with academic standards, teacher
8 training, budget prioritization or other proven strategies to improve
9 academic performance. After visiting the school site pursuant to subsection
10 N of this section, the department of education shall submit to the state
11 board of education a recommendation to proceed pursuant to subsections P, Q
12 and R of this section or that the school be subject to a public hearing to
13 determine if the school failed to properly implement its improvement plan and
14 the reasons for the department's recommendation.

15 V. If the department does recommend a public hearing, the state board
16 of education shall meet and may provide by a majority vote at the public
17 hearing for the continued operation of the school as allowed by this
18 subsection. The state board of education shall determine whether
19 governmental, nonprofit and private organizations may submit applications to
20 the state board to fully or partially manage the school. The state board's
21 determination shall include:

22 1. If and to what extent the local governing board may participate in
23 the operation of the school including personnel matters.

24 2. If and to what extent the state board of education shall
25 participate in the operation of the school.

26 3. Resource allocation pursuant to subsection X of this section.

27 4. Provisions for the development and submittal of a school
28 improvement plan to be presented in a public meeting at the school.

29 5. A suggested time frame for the alternative operation of the school.

30 W. The state board shall periodically review the status of a school
31 that is operated by an organization other than the school district governing
32 board to determine whether the operation of the school should be returned to
33 the school district governing board. Before the state board makes a
34 determination, the state board or its designee shall meet with the school
35 district governing board or its designee to determine the time frame,
36 operational considerations and the appropriate continuation of existing
37 improvements that are necessary to assure a smooth transition of authority
38 from the other organization back to the school district governing board.

39 X. If an alternative operation plan is provided pursuant to subsection
40 V of this section, the state board of education shall pay for the operation
41 of the school and shall adjust the school district's student count pursuant
42 to section 15-902, soft capital allocation pursuant to section 15-962,
43 capital outlay revenue limit pursuant to section 15-961, base support level
44 pursuant to section 15-943, monies distributed from the classroom site fund
45 established ~~in~~ BY section 15-977 and transportation support level pursuant to

1 section 15-945 to accurately reflect any reduction in district services that
2 are no longer provided to that school by the district. The state board of
3 education may modify the school district's revenue control limit, the
4 district support level and the general budget limit calculated pursuant to
5 section 15-947 by an amount that corresponds to this reduction in services.
6 The state board of education shall retain the portion of state aid that would
7 otherwise be due the school district for the school and shall distribute that
8 portion of state aid directly to the organization that contracts with the
9 state board of education to operate the school.

10 Y. If the state board of education determines that a charter school
11 failed to properly implement its improvement plan, the sponsor of the charter
12 school shall revoke the charter school's charter.

13 Z. If there are more than two schools in a district and more than
14 one-half, or in any case more than five, of the schools in the district are
15 designated as schools failing to meet academic standards for more than two
16 consecutive years, in the next election of members of the governing board the
17 election ballot shall contain the following statement immediately above the
18 listing of governing board candidates:

19 Within the last five years, (number of schools) schools in the
20 _____ school district have been designated as "schools
21 failing to meet academic standards" by the superintendent of
22 public instruction.

23 AA. At least twice each year the department of education shall publish
24 in a newspaper of general circulation in each county of this state a list of
25 schools that are designated as schools failing to meet academic standards.

26 BB. The failing schools tutoring fund is established consisting of
27 monies collected pursuant to section 42-5029, subsection E as designated for
28 this purpose. The department of education shall administer the fund.

29 Sec. 2. Repeal

30 Section 15-756, Arizona Revised Statutes, is repealed.

31 Sec. 3. Renumber

32 Section 15-756.01, Arizona Revised Statutes, is renumbered as section
33 15-757.

34 Sec. 4. Title 15, chapter 7, article 3.1, Arizona Revised Statutes, is
35 amended by adding new sections 15-756 and 15-756.01 and sections 15-756.02
36 through 15-756.13, to read:

37 15-756. Identification of English language learners; English
38 language learner assistance

39 A. THE PRIMARY OR HOME LANGUAGE FOR ALL NEW PUPILS WHO ENROLL IN A
40 SCHOOL DISTRICT OR CHARTER SCHOOL SHALL BE IDENTIFIED IN A MANNER PRESCRIBED
41 BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

42 B. THE ENGLISH LANGUAGE PROFICIENCY OF ALL PUPILS WITH A PRIMARY OR
43 HOME LANGUAGE OTHER THAN ENGLISH SHALL BE ASSESSED THROUGH THE ADMINISTRATION
44 OF ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS IN A MANNER PRESCRIBED BY THE
45 SUPERINTENDENT OF PUBLIC INSTRUCTION. THE TEST SCORES ADOPTED BY THE

1 SUPERINTENDENT AS INDICATING ENGLISH LANGUAGE PROFICIENCY SHALL BE BASED ON
2 THE TEST PUBLISHERS' DESIGNATED SCORES. THE DEPARTMENT SHALL ANNUALLY
3 REQUEST AN APPROPRIATION TO PAY FOR THE PURCHASE OF ALL LANGUAGE PROFICIENCY
4 ASSESSMENTS AND SCORING AND ANCILLARY MATERIALS AS PRESCRIBED BY THE
5 DEPARTMENT FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS.

6 C. IF IT IS DETERMINED THAT A PUPIL IS NOT ENGLISH LANGUAGE
7 PROFICIENT, THE PUPIL SHALL BE CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER AND
8 SHALL BE ENROLLED IN AN ENGLISH LANGUAGE EDUCATION PROGRAM PURSUANT TO
9 SECTION 15-752 OR 15-753.

10 D. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL RECEIVE ENGLISH LANGUAGE
11 LEARNER ASSISTANCE FROM THE DEPARTMENT OF EDUCATION FOR ENGLISH LANGUAGE
12 PROGRAMS EQUAL TO FOUR HUNDRED THIRTY-TWO DOLLARS FOR EACH ENGLISH LANGUAGE
13 LEARNER PUPIL. THE ENGLISH LANGUAGE LEARNER ASSISTANCE PRESCRIBED IN THIS
14 SUBSECTION AND MONIES FROM THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND
15 ESTABLISHED BY SECTION 15-756.04 SHALL NOT BE DISTRIBUTED FOR MORE THAN TWO
16 FISCAL YEARS FOR THE SAME PUPIL. NOTHING IN THIS SUBSECTION SHALL BE
17 CONSTRUED TO PROHIBIT A SCHOOL DISTRICT OR CHARTER SCHOOL FROM RECEIVING
18 MONIES FROM THE STATEWIDE COMPENSATORY INSTRUCTION FUND ESTABLISHED BY
19 SECTION 15-756.11 FOR MORE THAN TWO FISCAL YEARS FOR THE SAME PUPIL. FOR THE
20 PURPOSES OF THIS SUBSECTION, "ENGLISH LANGUAGE LEARNER" MEANS AN ENGLISH
21 LEARNER WHO DOES NOT SPEAK ENGLISH OR WHOSE NATIVE LANGUAGE IS NOT ENGLISH,
22 WHO IS NOT CURRENTLY ABLE TO PERFORM ORDINARY CLASSROOM WORK IN ENGLISH AND
23 WHO IS ENROLLED IN AN ENGLISH LANGUAGE EDUCATION PROGRAM PURSUANT TO SECTIONS
24 15-751, 15-752 AND 15-753.

25 15-756.01. Arizona English language learners task force;
26 research based models of structured English
27 immersion for English language learners; budget
28 requests; definitions

29 A. THE ARIZONA ENGLISH LANGUAGE LEARNERS TASK FORCE IS ESTABLISHED IN
30 THE DEPARTMENT OF EDUCATION. THE TASK FORCE SHALL CONSIST OF:

31 1. THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR THE SUPERINTENDENT'S
32 DESIGNEE.

33 2. FOUR MEMBERS WHO ARE APPOINTED BY THE GOVERNOR.

34 3. TWO MEMBERS WHO ARE APPOINTED BY THE PRESIDENT OF THE SENATE.

35 4. TWO MEMBERS WHO ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF
36 REPRESENTATIVES.

37 B. MEMBERS OF THE TASK FORCE APPOINTED PURSUANT TO SUBSECTION A,
38 PARAGRAPHS 2, 3 AND 4 OF THIS SECTION SHALL SERVE FOUR YEAR TERMS. MEMBERS
39 OF THE TASK FORCE SHALL ELECT A CHAIRPERSON FROM AMONG THE MEMBERS OF THE
40 TASK FORCE. THE DEPARTMENT OF EDUCATION SHALL PROVIDE ADEQUATE STAFF SUPPORT
41 FOR THE TASK FORCE.

42 C. BY SEPTEMBER 1, 2006, THE TASK FORCE SHALL DEVELOP AND ADOPT
43 RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION PROGRAMS FOR USE BY
44 SCHOOL DISTRICTS AND CHARTER SCHOOLS. THE MODELS SHALL TAKE INTO
45 CONSIDERATION AT LEAST THE SIZE OF THE SCHOOL, THE LOCATION OF THE SCHOOL,

1 THE GRADE LEVELS AT THE SCHOOL, THE NUMBER OF ENGLISH LANGUAGE LEARNERS AND
2 THE PERCENTAGE OF ENGLISH LANGUAGE LEARNERS. THE MODELS SHALL BE LIMITED TO
3 PROGRAMS FOR ENGLISH LANGUAGE LEARNERS TO PARTICIPATE IN A STRUCTURED ENGLISH
4 IMMERSION PROGRAM NOT NORMALLY INTENDED TO EXCEED ONE YEAR. THE TASK FORCE
5 SHALL IDENTIFY THE MINIMUM AMOUNT OF ENGLISH LANGUAGE DEVELOPMENT PER DAY FOR
6 ALL MODELS. THE TASK FORCE SHALL DEVELOP SEPARATE MODELS FOR THE FIRST YEAR
7 IN WHICH A PUPIL IS CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER THAT INCLUDES A
8 MINIMUM OF FOUR HOURS PER DAY OF ENGLISH LANGUAGE DEVELOPMENT.

9 D. THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION ADOPTED
10 BY THE TASK FORCE SHALL BE THE MOST COST-EFFICIENT MODELS THAT MEET ALL STATE
11 AND FEDERAL LAWS.

12 E. THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION SHALL BE
13 LIMITED TO A REGULAR SCHOOL YEAR AND SCHOOL DAY. INSTRUCTION OUTSIDE THE
14 REGULAR SCHOOL YEAR OR SCHOOL DAY SHALL BE PROVIDED WITH COMPENSATORY
15 INSTRUCTION AND MAY BE ELIGIBLE FOR FUNDING FROM THE STATEWIDE COMPENSATORY
16 INSTRUCTION FUND ESTABLISHED BY SECTION 15-756.11.

17 F. THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION SHALL BE
18 SUBMITTED BY THE TASK FORCE TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF
19 THE HOUSE OF REPRESENTATIVES, THE GOVERNOR AND THE STATE BOARD OF EDUCATION.
20 AT LEAST THIRTY DAYS BEFORE ADOPTION, THE TASK FORCE SHALL SUBMIT THE
21 RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION TO THE JOINT
22 LEGISLATIVE BUDGET COMMITTEE FOR REVIEW.

23 G. THE TASK FORCE SHALL REVIEW RESEARCH BASED MODELS OF STRUCTURED
24 ENGLISH IMMERSION ANNUALLY AND DELETE, ADD OR MODIFY THE EXISTING MODELS.
25 WHEN ADOPTING OR MODIFYING ENGLISH LANGUAGE LEARNER PROGRAMS, THE TASK FORCE
26 SHALL REVIEW AND CONSIDER THE INFORMATION AND DATA OBTAINED AS A RESULT OF
27 THE DEPARTMENT OF EDUCATION'S MONITORING OF ENGLISH LANGUAGE LEARNER PROGRAMS
28 PURSUANT TO SECTION 15-756.08.

29 H. THE TASK FORCE SHALL ESTABLISH PROCEDURES FOR SCHOOL DISTRICTS AND
30 CHARTER SCHOOLS TO DETERMINE THE INCREMENTAL COSTS FOR IMPLEMENTATION OF THE
31 RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION DEVELOPED BY THE TASK
32 FORCE.

33 I. THE TASK FORCE SHALL ESTABLISH A FORM FOR SCHOOL DISTRICTS AND
34 CHARTER SCHOOLS TO DETERMINE THE STRUCTURED ENGLISH IMMERSION BUDGET REQUEST
35 AMOUNT. NOTWITHSTANDING ANY OTHER LAW, THE MAXIMUM AMOUNT OF THE BUDGET
36 REQUEST SHALL BE THE INCREMENTAL COSTS OF THE MODEL SELECTED OFFSET BY THE
37 FOLLOWING MONIES:

38 1. ALL FEDERAL MONIES THAT LEGALLY MAY BE USED FOR THE EDUCATIONAL
39 NEEDS OF ENGLISH LANGUAGE LEARNERS, EXCEPT TITLE I.

40 2. THE PORTION OF TITLE I MONIES DETERMINED BY THE ENGLISH LANGUAGE
41 LEARNER POPULATION AS A PERCENTAGE OF THE QUALIFIED POPULATION.

42 3. THE PORTION OF DESEGREGATION MONIES LEVIED PURSUANT TO SECTION
43 15-910 DETERMINED BY THE ENGLISH LANGUAGE LEARNER POPULATION AS A PERCENTAGE
44 OF THE QUALIFIED POPULATION. THE DIFFERENCE SHALL BE THE MAXIMUM AMOUNT OF
45 THE STRUCTURED ENGLISH IMMERSION BUDGET REQUEST PURSUANT TO SECTION 15-756.03

1 FOR MONIES FROM THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND ESTABLISHED BY
2 SECTION 15-756.04. BEGINNING JULY 15, 2008, SCHOOL DISTRICTS AND CHARTER
3 SCHOOLS SHALL NOT INCLUDE THE INCREMENTAL COSTS OF ANY PUPIL WHO IS
4 CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER AFTER JULY 1, 2007 AND WHO HAS BEEN
5 CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER FOR MORE THAN TWO YEARS IN THE
6 CALCULATION OF THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S STRUCTURED ENGLISH
7 IMMERSION BUDGET REQUEST.

8 4. THE ENGLISH LANGUAGE LEARNER ASSISTANCE PRESCRIBED IN SECTION
9 15-756, SUBSECTION D.

10 J. IN CONSULTATION WITH THE AUDITOR GENERAL, THE DEPARTMENT OF
11 EDUCATION SHALL DEVELOP AND ADOPT FORMS TO BE USED BY SCHOOL DISTRICTS AND
12 CHARTER SCHOOLS TO SUBMIT BUDGET REQUESTS FOR THE ARIZONA STRUCTURED ENGLISH
13 IMMERSION FUND, INCLUDING THE FORM PRESCRIBED IN SUBSECTION I OF THIS
14 SECTION.

15 K. FOR THE PURPOSES OF THIS SECTION:

16 1. "COMPENSATORY INSTRUCTION" HAS THE SAME MEANING PRESCRIBED IN
17 SECTION 15-756.11.

18 2. "INCREMENTAL COSTS" MEANS COSTS THAT ARE ASSOCIATED WITH A
19 STRUCTURED ENGLISH IMMERSION PROGRAM PURSUANT TO SECTION 15-752 OR A PROGRAM
20 PURSUANT TO SECTION 15-753 AND THAT ARE IN ADDITION TO THE NORMAL COSTS OF
21 CONDUCTING PROGRAMS FOR ENGLISH PROFICIENT STUDENTS. INCREMENTAL COSTS DO
22 NOT INCLUDE COSTS THAT REPLACE THE SAME TYPES OF SERVICES PROVIDED TO ENGLISH
23 PROFICIENT STUDENTS OR COMPENSATORY INSTRUCTION.

24 15-756.02. School districts and charter schools; English
25 language learner models; adoption and
26 implementation

27 A. EACH SCHOOL DISTRICT GOVERNING BOARD AND EACH GOVERNING BODY OF A
28 CHARTER SCHOOL SHALL SELECT ONE OR MORE OF THE TASK FORCE APPROVED MODELS FOR
29 STRUCTURED ENGLISH IMMERSION FOR IMPLEMENTATION ON A SCHOOL BY SCHOOL BASIS.

30 B. IF A SCHOOL DISTRICT OR CHARTER SCHOOL WANTS TO ADOPT AN ENGLISH
31 LANGUAGE LEARNER PROGRAM THAT IS NOT BASED ON A MODEL ADOPTED BY THE TASK
32 FORCE, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL FIRST SUBMIT THE PROPOSED
33 PROGRAM ALONG WITH SUPPORTING DOCUMENTATION REGARDING THE EXPECTED OUTCOMES
34 OF THE PROGRAM ON THE DISTRICT'S OR CHARTER SCHOOL'S ENGLISH LANGUAGE LEARNER
35 STUDENTS TO THE TASK FORCE FOR APPROVAL.

36 C. ON RECEIPT OF A PROPOSED PROGRAM FROM A SCHOOL DISTRICT OR CHARTER
37 SCHOOL, THE TASK FORCE MAY DO ONE OF THE FOLLOWING:

38 1. APPROVE THE PROPOSED PROGRAM.

39 2. PROVIDE LIMITED APPROVAL SUBJECT TO SPECIFIC STIPULATIONS
40 PRESCRIBED BY THE STATE BOARD.

41 3. REJECT THE PROPOSED PROGRAM AND IDENTIFY A MODEL APPROVED BY THE
42 TASK FORCE FOR THE SCHOOL DISTRICT OR CHARTER SCHOOL TO ADOPT.

43 D. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL INCLUDE A COPY OF THE
44 ADOPTED ENGLISH LANGUAGE LEARNER PROGRAM IN THE ANNUAL REPORT REQUIRED IN
45 SECTION 15-756.10.

1 15-756.03. Structured English immersion: budget request

2 A. IF A SCHOOL DISTRICT OR CHARTER SCHOOL QUALIFIES TO SUBMIT A BUDGET
3 REQUEST BASED ON THE FORM PRESCRIBED IN SECTION 15-756.01, SUBSECTION I, THE
4 SCHOOL DISTRICT OR CHARTER SCHOOL SHALL SUBMIT A STRUCTURED ENGLISH IMMERSION
5 BUDGET REQUEST ON A SCHOOL BY SCHOOL BASIS. THE BUDGET REQUEST SHALL BE FOR
6 A SPECIFIC AMOUNT OF SUPPLEMENTAL MONIES FROM THE ARIZONA STRUCTURED ENGLISH
7 IMMERSION FUND ESTABLISHED BY SECTION 15-756.04.

8 B. EACH SCHOOL DISTRICT OR CHARTER SCHOOL STRUCTURED ENGLISH IMMERSION
9 BUDGET REQUEST SHALL INCLUDE THE SIGNATURE OF THE SUPERINTENDENT OF THE
10 SCHOOL DISTRICT AND THE CHIEF FINANCIAL OFFICER OF THE SCHOOL DISTRICT OR THE
11 PRINCIPAL OF THE CHARTER SCHOOL AND THE CHIEF FINANCIAL OFFICER OF THE
12 CHARTER SCHOOL THAT CERTIFIES THAT THE INFORMATION IN THE BUDGET REQUEST IS
13 TRUE TO THE BEST OF THAT PERSON'S KNOWLEDGE AND HAS BEEN CALCULATED IN
14 ACCORDANCE WITH THE FORM PRESCRIBED IN SECTION 15-756.01, SUBSECTION I AND
15 THAT MONIES FROM THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND ESTABLISHED
16 BY SECTION 15-756.04 WILL NOT BE USED TO SUPPLANT ANY FEDERAL, STATE OR LOCAL
17 MONIES, INCLUDING DESEGREGATION MONIES LEVIED PURSUANT TO SECTION 15-910,
18 USED FOR ENGLISH LANGUAGE LEARNERS THAT WERE BUDGETED FOR ENGLISH LANGUAGE
19 LEARNERS AS OF FEBRUARY 23, 2006.

20 C. BEGINNING JULY 1, 2007, EACH SCHOOL DISTRICT AND CHARTER SCHOOL
21 THAT SUBMITS A STRUCTURED ENGLISH IMMERSION BUDGET REQUEST SHALL SUBMIT THE
22 BUDGET REQUEST TO THE DEPARTMENT OF EDUCATION ANNUALLY ON OR BEFORE
23 SEPTEMBER 15. THE DEPARTMENT OF EDUCATION SHALL VERIFY THE BUDGET REQUEST OF
24 EACH SCHOOL DISTRICT AND CHARTER SCHOOL FOR ACCURACY AND COMPLIANCE WITH THE
25 FORM PRESCRIBED IN SECTION 15-756.01, SUBSECTION I. THE DEPARTMENT SHALL
26 COLLECT ALL SCHOOL DISTRICT AND CHARTER SCHOOL BUDGET REQUESTS AND SUBMIT
27 THEM TO THE LEGISLATURE FOR FUNDING FROM THE ARIZONA STRUCTURED ENGLISH
28 IMMERSION FUND ESTABLISHED BY SECTION 15-756.04 AT THE SAME TIME AS THE
29 DEPARTMENT'S BUDGET REQUEST.

30 15-756.04. Arizona structured English immersion fund

31 A. THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND IS ESTABLISHED. THE
32 DEPARTMENT OF EDUCATION SHALL ADMINISTER THE FUND.

33 B. THE DEPARTMENT SHALL SUBMIT AN ANNUAL REQUEST FOR AN APPROPRIATION
34 FOR THE PURPOSES OF THIS SECTION.

35 C. IN ADDITION TO MONIES DISTRIBUTED FOR THE ENGLISH LANGUAGE LEARNER
36 ASSISTANCE PRESCRIBED IN SECTION 15-756, SUBSECTION D, THE DEPARTMENT SHALL
37 DISTRIBUTE MONIES FROM THE FUND TO SCHOOL DISTRICTS AND CHARTER SCHOOLS IN AN
38 AMOUNT SPECIFIED IN THE BUDGET REQUEST PRESCRIBED IN SECTION 15-756.03,
39 SUBSECTION C. MONIES FROM THE FUND ESTABLISHED BY THIS SECTION AND THE
40 ENGLISH LANGUAGE LEARNER ASSISTANCE PRESCRIBED IN SECTION 15-756, SUBSECTION
41 D SHALL NOT BE DISTRIBUTED FOR MORE THAN TWO FISCAL YEARS FOR THE SAME PUPIL.
42 NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO PROHIBIT A SCHOOL DISTRICT
43 OR CHARTER SCHOOL FROM RECEIVING MONIES FROM THE STATEWIDE COMPENSATORY
44 INSTRUCTION FUND ESTABLISHED BY SECTION 15-756.11 FOR MORE THAN TWO FISCAL
45 YEARS FOR THE SAME PUPIL.

1 D. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ATTEMPT TO OBTAIN
2 THE MAXIMUM AMOUNT OF FEDERAL FUNDING THAT IS AVAILABLE FOR ENGLISH LANGUAGE
3 LEARNER PROGRAMS.

4 E. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL ESTABLISH A LOCAL
5 LEVEL STRUCTURED ENGLISH IMMERSION FUND TO RECEIVE MONIES DISTRIBUTED FROM
6 THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND. MONIES IN LOCAL LEVEL
7 STRUCTURED ENGLISH IMMERSION FUNDS SHALL BE SPENT ONLY TO PROVIDE INSTRUCTION
8 TO ENGLISH LANGUAGE LEARNERS. THE AUDITOR GENERAL SHALL MODIFY THE BUDGET
9 FORMAT, FINANCIAL RECORD REQUIREMENTS, ACCOUNTING FORMS AND FINANCIAL REPORT
10 FORMS IN ACCORDANCE WITH THIS SUBSECTION. IN CONSULTATION WITH THE
11 DEPARTMENT OF EDUCATION, THE AUDITOR GENERAL SHALL PROVIDE SUPPORT AND
12 GUIDANCE TO ASSIST SCHOOL DISTRICTS AND CHARTER SCHOOLS IN COMPLYING WITH
13 THIS SUBSECTION. DOCUMENTS DEVELOPED PURSUANT TO THIS SUBSECTION SHALL BE
14 REVIEWED BY THE ARIZONA ENGLISH LANGUAGE LEARNERS TASK FORCE ESTABLISHED BY
15 SECTION 15-756.01 AND THE JOINT LEGISLATIVE BUDGET COMMITTEE.

16 F. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL USE MONIES FROM THE FUND
17 TO SUPPLEMENT EXISTING PROGRAMS FOR ENGLISH LANGUAGE LEARNERS. MONIES FROM
18 THE FUND SHALL NOT BE USED TO SUPPLANT AVAILABLE MONIES USED TO PAY FOR THE
19 NORMAL COSTS OF CONDUCTING PROGRAMS FOR ENGLISH PROFICIENT STUDENTS.

20 15-756.05. Reassessment and reclassification of English
21 language learners

22 A. THE PROCESS OF REASSESSMENT OF ENGLISH LANGUAGE LEARNERS FOR THE
23 PURPOSE OF DETERMINING ENGLISH LANGUAGE PROFICIENCY SHALL BE CONDUCTED AT
24 LEAST ANNUALLY AT THE END OF EACH SCHOOL YEAR IN A MANNER PRESCRIBED BY THE
25 SUPERINTENDENT OF PUBLIC INSTRUCTION.

26 B. A PUPIL WHO SCORES AT OR ABOVE THE TEST PUBLISHER'S DESIGNATED
27 SCORE FOR ENGLISH PROFICIENCY SHALL BE CONSIDERED ENGLISH PROFICIENT. THE
28 PUPIL SHALL NO LONGER BE CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER AND SHALL
29 BE RECLASSIFIED AS ENGLISH PROFICIENT.

30 C. A PUPIL WHO HAS ATTAINED ENGLISH PROFICIENCY PURSUANT TO THIS
31 SECTION SHALL BE TRANSFERRED TO ENGLISH LANGUAGE MAINSTREAM CLASSROOMS.

32 15-756.06. Reevaluation of former English language learners

33 THE ENGLISH LANGUAGE PROFICIENCY OF EACH PUPIL PREVIOUSLY CLASSIFIED AS
34 AN ENGLISH LANGUAGE LEARNER WITHIN THE LAST TWO YEARS SHALL BE TESTED
35 ANNUALLY AT THE END OF EACH SCHOOL YEAR, IN THE SAME MANNER AS PROVIDED IN
36 SECTION 15-756, SUBSECTION B. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL
37 PRESCRIBE THE MANNER IN WHICH PUPILS ARE REEVALUATED. PUPILS WHO FAIL TO
38 DEMONSTRATE ENGLISH PROFICIENCY ON THE REASSESSMENT TEST IN THE TWO YEARS
39 FOLLOWING THEIR EXIT FROM STRUCTURED ENGLISH IMMERSION, SUBJECT TO PARENTAL
40 CONSENT, SHALL BE REENROLLED IN STRUCTURED ENGLISH IMMERSION PURSUANT TO
41 SECTION 15-752 AND MAY BE PROVIDED COMPENSATORY INSTRUCTION AS DEFINED IN
42 SECTION 15-756.11.

1 15-756.07. Office of English language acquisition services:
2 duties

3 THE OFFICE OF ENGLISH LANGUAGE ACQUISITION SERVICES IS ESTABLISHED IN
4 THE DEPARTMENT OF EDUCATION. THE DEPARTMENT OF EDUCATION, OFFICE OF ENGLISH
5 LANGUAGE ACQUISITION SERVICES, SHALL:

6 1. DEVELOP GUIDELINES FOR MONITORING SCHOOL DISTRICTS AND CHARTER
7 SCHOOLS TO ENSURE COMPLIANCE WITH ALL FEDERAL AND STATE LAWS REGARDING
8 ENGLISH LANGUAGE LEARNERS.

9 2. IN CONSULTATION WITH COUNTY SCHOOL SUPERINTENDENTS, DEVELOP
10 REGIONAL PROGRAMS TO ENHANCE ALL ASPECTS OF TRAINING FOR TEACHERS AND
11 ADMINISTRATORS.

12 3. PUBLISH ENGLISH LANGUAGE LEARNER POLICY GUIDELINES FOR SCHOOL
13 DISTRICTS AND CHARTER SCHOOLS THAT INCLUDE A LIST OF RELEVANT RULES,
14 REGULATIONS AND STATUTES RELATING TO ENGLISH LANGUAGE LEARNER PROGRAMS TO
15 NOTIFY SCHOOL DISTRICTS AND CHARTER SCHOOLS OF THEIR RESPONSIBILITIES.

16 4. PROVIDE TECHNICAL ASSISTANCE TO SCHOOL DISTRICTS AND CHARTER
17 SCHOOLS TO IMPLEMENT STRUCTURED ENGLISH IMMERSION PROGRAMS.

18 15-756.08. Monitoring; corrective action plan

19 A. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DIRECT THE OFFICE OF
20 ENGLISH LANGUAGE ACQUISITION SERVICES IN THE DEPARTMENT OF EDUCATION TO:

21 1. MONITOR EACH YEAR AT LEAST TWELVE SCHOOL DISTRICTS OR CHARTER
22 SCHOOLS FROM THE FIFTY SCHOOL DISTRICTS OR CHARTER SCHOOLS IN THIS STATE WITH
23 THE HIGHEST NUMBER OF ENGLISH LANGUAGE LEARNERS. THE DEPARTMENT OF EDUCATION
24 SHALL MONITOR ALL FIFTY SCHOOL DISTRICTS OR CHARTER SCHOOLS WITH THE HIGHEST
25 NUMBER OF ENGLISH LANGUAGE LEARNERS IN THIS STATE AT LEAST ONCE EVERY FOUR
26 YEARS.

27 2. MONITOR EACH YEAR AT LEAST TEN SCHOOL DISTRICTS OR CHARTER SCHOOLS
28 THAT ARE NOT INCLUDED IN THE FIFTY SCHOOL DISTRICTS OR CHARTER SCHOOLS
29 DESCRIBED IN PARAGRAPH 1.

30 3. MONITOR EACH YEAR AT LEAST TEN SCHOOL DISTRICTS OR CHARTER SCHOOLS
31 THAT ARE NOT REQUIRED TO PROVIDE INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS
32 FOR A MAJORITY OF THEIR GRADE LEVELS.

33 4. CHOOSE, BASED ON THE DEPARTMENT'S REVIEW OF REPORTS SUBMITTED BY
34 SCHOOL DISTRICTS AND CHARTER SCHOOLS, THE SCHOOL DISTRICTS AND CHARTER
35 SCHOOLS DESCRIBED IN PARAGRAPHS 1, 2 AND 3.

36 5. SELECT A RANDOM SAMPLE OF THREE HUNDRED ENGLISH LANGUAGE LEARNERS
37 EACH MONTH TO DETERMINE:

38 (a) HOW MANY OF THE SAMPLE CAN READ THE RANDOMLY ORDERED ALPHABET IN
39 THIRTY SECONDS OR LESS.

40 (b) HOW MANY OF THE SAMPLE CAN READ A RANDOMLY SORTED LIST OF THIRTY
41 SINGLE-SYLLABLE WORDS IN ONE MINUTE OR LESS.

42 B. THE MONITORING REQUIRED BY THIS SECTION SHALL BE ON-SITE MONITORING
43 AND SHALL INCLUDE CLASSROOM OBSERVATIONS, CURRICULUM REVIEWS, FACULTY
44 INTERVIEWS, STUDENT RECORDS, A REVIEW OF ENGLISH LANGUAGE LEARNER PROGRAMS

1 AND AN ANALYSIS OF PROGRAMMATIC EFFECTIVENESS, AT A MINIMUM, TO INCLUDE PRIOR
2 YEAR DATA THAT ANALYZE THE PROGRESS OF ENGLISH LANGUAGE LEARNERS.

3 C. BASED ON THE RESULTS OF THE MONITORING, THE DEPARTMENT SHALL
4 DETERMINE WHETHER OR NOT THE SCHOOL DISTRICT OR CHARTER SCHOOL IS COMPLYING
5 WITH STATE AND FEDERAL LAWS APPLICABLE TO ENGLISH LANGUAGE LEARNERS.

6 D. THE DEPARTMENT SHALL ISSUE A REPORT OF THE RESULTS OF THE
7 MONITORING WITHIN FORTY-FIVE DAYS AFTER COMPLETING THE MONITORING.

8 E. WITHIN SIXTY DAYS FOLLOWING THE ISSUANCE OF THE DEPARTMENT'S
9 REPORT, THE SCHOOL DISTRICT OR CHARTER SCHOOL RECEIVING THE REPORT SHALL
10 PREPARE AND SUBMIT TO THE DEPARTMENT A CORRECTIVE ACTION PLAN, IN A MANNER
11 PRESCRIBED BY THE STATE BOARD OF EDUCATION, THAT SETS FORTH STEPS THAT WILL
12 BE TAKEN TO CORRECT THE DEFICIENCIES, IF ANY, NOTED IN THE DEPARTMENT'S
13 REPORT.

14 F. WITHIN THIRTY DAYS AFTER RECEIVING A SCHOOL DISTRICT'S OR CHARTER
15 SCHOOL'S CORRECTIVE ACTION PLAN, THE DEPARTMENT SHALL REVIEW THE CORRECTIVE
16 ACTION PLAN AND MAY REQUIRE CHANGES TO THE CORRECTIVE ACTION PLAN.

17 G. AFTER THE DEPARTMENT HAS REVIEWED A SCHOOL DISTRICT'S OR CHARTER
18 SCHOOL'S CORRECTIVE ACTION PLAN AND MADE ANY CHANGES THE DEPARTMENT DEEMS
19 NECESSARY, THE DEPARTMENT SHALL RETURN THE CORRECTIVE ACTION PLAN TO THE
20 SCHOOL DISTRICT OR CHARTER SCHOOL.

21 H. WITHIN THIRTY DAYS AFTER RECEIVING A CORRECTIVE ACTION PLAN BACK
22 FROM THE DEPARTMENT, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL BEGIN
23 IMPLEMENTING THE MEASURES SET FORTH IN THE CORRECTIVE ACTION PLAN.

24 I. THE DEPARTMENT SHALL CONDUCT A FOLLOW-UP EVALUATION OF THE SCHOOL
25 DISTRICT OR CHARTER SCHOOL WITHIN ONE YEAR AFTER THE DEPARTMENT RETURNED THE
26 CORRECTIVE ACTION PLAN TO THE SCHOOL DISTRICT OR CHARTER SCHOOL.

27 J. IN CONDUCTING THE FOLLOW-UP EVALUATION, IF THE DEPARTMENT FINDS
28 THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL IS NOT IN COMPLIANCE WITH STATE
29 AND FEDERAL LAWS APPLICABLE TO ENGLISH LANGUAGE LEARNERS, THE DEPARTMENT
30 SHALL REFER THE SCHOOL DISTRICT OR CHARTER SCHOOL TO THE STATE BOARD OF
31 EDUCATION FOR A FINDING OF NONCOMPLIANCE. A SCHOOL DISTRICT OR CHARTER
32 SCHOOL FOUND BY THE BOARD TO BE NONCOMPLIANT SHALL NOT CONTINUE TO RECEIVE
33 ANY MONIES FROM THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND ESTABLISHED BY
34 SECTION 15-756.04 FOR ENGLISH LANGUAGE LEARNERS AND SHALL NOT REDUCE THE
35 AMOUNT OF MONIES SPENT ON THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S ENGLISH
36 LANGUAGE LEARNER PROGRAMS DESPITE THE LOSS OF MONIES CAUSED BY THE
37 NONCOMPLIANCE.

38 K. THE DEPARTMENT SHALL MONITOR EACH SCHOOL DISTRICT OR CHARTER SCHOOL
39 THAT THE STATE BOARD OF EDUCATION HAS FOUND TO BE NONCOMPLIANT AND THAT IS
40 NOT RECEIVING ARIZONA STRUCTURED ENGLISH IMMERSION FUND MONIES PURSUANT TO
41 SUBSECTION J OF THIS SECTION TO ENSURE THAT THE SCHOOL DISTRICT OR CHARTER
42 SCHOOL DOES NOT REDUCE THE AMOUNT OF MONIES SPENT ON THE SCHOOL DISTRICT'S OR
43 CHARTER SCHOOL'S ENGLISH LANGUAGE LEARNER PROGRAMS DESPITE THE LOSS OF
44 ARIZONA STRUCTURED ENGLISH IMMERSION FUND MONIES CAUSED BY THE
45 NONCOMPLIANCE.

1 15-756.09. Teacher training

2 A. THE STATE BOARD OF EDUCATION SHALL DETERMINE THE QUALIFICATIONS
3 NECESSARY FOR A PROVISIONAL AND FULL STRUCTURED ENGLISH IMMERSION
4 ENDORSEMENT.

5 B. TRAINING MAY BE ALLOWED THAT IS NOT PROVIDED BY A COLLEGE OR
6 UNIVERSITY TO SUBSTITUTE FOR ANY OF THE COURSES REQUIRED FOR A STRUCTURED
7 ENGLISH IMMERSION ENDORSEMENT OR A BILINGUAL EDUCATION ENDORSEMENT IF ALL OF
8 THE FOLLOWING CONDITIONS APPLY:

9 1. THE STATE BOARD OF EDUCATION HAS REVIEWED THE CURRICULA, TEXTBOOKS,
10 GRADING PROCEDURES AND ATTENDANCE POLICIES AND DETERMINED THAT THE TRAINING
11 IS COMPARABLE IN AMOUNT, SCOPE AND QUALITY TO A COURSE OFFERED BY A COLLEGE
12 OR UNIVERSITY FOR A STRUCTURED ENGLISH IMMERSION OR BILINGUAL EDUCATION
13 ENDORSEMENT.

14 2. THE TRAINING MEETS THE PROFESSIONAL TEACHING STANDARDS ADOPTED BY
15 THE STATE BOARD OF EDUCATION.

16 3. THE STATE BOARD OF EDUCATION HAS REVIEWED THE QUALIFICATIONS OF THE
17 INSTRUCTOR AND DETERMINED THAT THE INSTRUCTOR HAS SUFFICIENT EXPERIENCE TO
18 EFFECTIVELY CONDUCT THE TRAINING.

19 C. THE STATE BOARD OF EDUCATION SHALL REQUIRE ALL APPROVED TEACHER
20 TRAINING PROGRAMS THAT PROVIDE A DEGREE IN EDUCATION TO REQUIRE COURSES THAT
21 ARE NECESSARY TO OBTAIN A FULL STRUCTURED ENGLISH IMMERSION ENDORSEMENT.

22 15-756.10. Reporting

23 THE OFFICE OF ENGLISH LANGUAGE ACQUISITION SERVICES IN THE DEPARTMENT
24 OF EDUCATION SHALL:

25 1. REQUIRE EACH SCHOOL DISTRICT AND CHARTER SCHOOL TO ANNUALLY SUBMIT
26 A REPORT TO THE DEPARTMENT OF EDUCATION THAT INCLUDES THE FOLLOWING
27 INFORMATION IDENTIFIED BY GRADE LEVEL AND BY SCHOOL:

28 (a) THE TOTAL NUMBER OF PUPILS WHO ARE CLASSIFIED AS ENGLISH LANGUAGE
29 LEARNERS AS VERIFIED BY THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM
30 ESTABLISHED BY SECTION 15-1041.

31 (b) THE NUMBER OF PUPILS WHO ARE CLASSIFIED AS ENGLISH LANGUAGE
32 LEARNERS FOR THE FIRST TIME AS VERIFIED BY THE STUDENT ACCOUNTABILITY
33 INFORMATION SYSTEM ESTABLISHED BY SECTION 15-1041.

34 (c) THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO ACHIEVED ENGLISH
35 PROFICIENCY IN THE PAST ACADEMIC YEAR AND WHO HAVE BEEN RECLASSIFIED AS
36 ENGLISH PROFICIENT AS VERIFIED BY THE STUDENT ACCOUNTABILITY INFORMATION
37 SYSTEM ESTABLISHED BY SECTION 15-1041.

38 (d) THE NUMBER OF PUPILS WHO ARE ENROLLED IN EACH TYPE OF LANGUAGE
39 ACQUISITION PROGRAM OFFERED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL AS
40 VERIFIED BY THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM ESTABLISHED BY
41 SECTION 15-1041.

42 (e) IF REQUESTED BY THE DEPARTMENT OF EDUCATION, THE TEST DATA USED TO
43 DETERMINE ENGLISH PROFICIENCY.

44 2. DETERMINE THE MOBILITY OF ENGLISH LANGUAGE LEARNERS WITHIN THE SAME
45 SCHOOL DISTRICT AND THE MOBILITY OF ENGLISH LANGUAGE LEARNERS TO OTHER SCHOOL

1 DISTRICTS AND CHARTER SCHOOLS THROUGH THE STUDENT ACCOUNTABILITY INFORMATION
2 SYSTEM ESTABLISHED BY SECTION 15-1041.

3 3. SUBMIT AN ANNUAL REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE
4 THAT INCLUDES AN ITEMIZED LIST OF ALL FEDERAL MONIES RECEIVED BY THE
5 DEPARTMENT FOR ENGLISH LANGUAGE LEARNERS, A LIST OF HOW MUCH OF THESE MONIES
6 WERE DISTRIBUTED TO SCHOOL DISTRICTS ON A DISTRICT BY DISTRICT BASIS AND THE
7 PURPOSES FOR WHICH THESE FEDERAL MONIES ARE DESIGNATED. THE DEPARTMENT SHALL
8 SUBMIT A COPY OF THIS REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF
9 THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

10 4. SUBMIT AN ANNUAL REPORT TO THE GOVERNOR, THE PRESIDENT OF THE
11 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE STATE BOARD OF
12 EDUCATION THAT INCLUDES A DETAILED ANALYSIS OF WHETHER AND TO WHAT EXTENT
13 PUPILS ARE BENEFITING ACADEMICALLY FROM COMPENSATORY INSTRUCTION AS DEFINED
14 IN SECTION 15-756.11 AND A COMPARISON OF THE ACADEMIC ACHIEVEMENT OF PUPILS
15 BEFORE AND AFTER RECEIVING COMPENSATORY INSTRUCTION AS DEFINED IN SECTION
16 15-756.11. THE DEPARTMENT SHALL SUBMIT A COPY OF THIS REPORT TO THE
17 SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES
18 AND PUBLIC RECORDS.

19 5. PRESENT A DETAILED ANNUAL SUMMARY OF ALL ENGLISH LANGUAGE LEARNER
20 PROGRAMS AND FUNDING AT A PUBLIC MEETING OF THE STATE BOARD OF EDUCATION.

21 6. PRESENT A SUMMARY OF INFORMATION RELATING TO THE DEMONSTRATED
22 SUCCESS OF SCHOOLS AND SCHOOL DISTRICTS AT ACHIEVING ENGLISH PROFICIENCY FOR
23 ENGLISH LANGUAGE LEARNERS.

24 15-756.11. Statewide compensatory instruction fund; reporting;
25 definition

26 A. THE STATEWIDE COMPENSATORY INSTRUCTION FUND IS ESTABLISHED. THE
27 DEPARTMENT OF EDUCATION SHALL ADMINISTER THE FUND.

28 B. TO BE ELIGIBLE FOR MONIES APPROPRIATED PURSUANT TO THIS SECTION, A
29 SCHOOL DISTRICT OR CHARTER SCHOOL MUST DEMONSTRATE TO THE DEPARTMENT OF
30 EDUCATION THAT IT HAS ESTABLISHED A SATISFACTORY COMPENSATORY INSTRUCTION
31 PROGRAM. THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE MONIES FROM THE FUND
32 TO SCHOOL DISTRICTS AND CHARTER SCHOOLS IN AN AMOUNT DETERMINED BY THE
33 DEPARTMENT FOR COMPENSATORY INSTRUCTION COSTS.

34 C. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL ANNUALLY SUBMIT WRITTEN
35 COMPENSATORY INSTRUCTION BUDGET REQUESTS TO THE DEPARTMENT ON OR BEFORE JULY
36 15 FOR MONIES FROM THE FUND ON A FORM DEVELOPED BY THE DEPARTMENT. THE
37 REQUESTS SHALL INCLUDE AN ANALYSIS OF COMPENSATORY INSTRUCTION EFFECTIVENESS.

38 D. THE WRITTEN REQUESTS SUBMITTED BY SCHOOL DISTRICTS AND CHARTER
39 SCHOOLS SHALL BE SIGNED BY THE SUPERINTENDENT OF THE SCHOOL DISTRICT AND THE
40 CHIEF FINANCIAL OFFICER OF THE SCHOOL DISTRICT OR THE PRINCIPAL OF THE
41 CHARTER SCHOOL AND THE CHIEF FINANCIAL OFFICER OF THE CHARTER SCHOOL AND
42 MONIES FROM THE STATEWIDE COMPENSATORY INSTRUCTION FUND SHALL NOT BE USED TO
43 SUPPLANT ANY FEDERAL, STATE OR LOCAL MONIES, INCLUDING DESEGREGATION MONIES
44 LEVIED PURSUANT TO SECTION 15-910, USED FOR ENGLISH LANGUAGE LEARNERS THAT
45 WERE BUDGETED FOR ENGLISH LANGUAGE LEARNERS AS OF FEBRUARY 23, 2006.

1 E. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL USE MONIES FROM THE FUND
2 TO SUPPLEMENT EXISTING PROGRAMS. MONIES SHALL NOT BE USED TO SUPPLANT ANY
3 FEDERAL, STATE OR LOCAL MONIES, INCLUDING DESEGREGATION MONIES LEVIED
4 PURSUANT TO SECTION 15-910, USED FOR COMPENSATORY INSTRUCTION THAT WERE
5 BUDGETED FOR ENGLISH LANGUAGE LEARNERS AS OF FEBRUARY 23, 2006.

6 F. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL ESTABLISH A LOCAL
7 LEVEL COMPENSATORY INSTRUCTION FUND TO RECEIVE MONIES DISTRIBUTED FROM THE
8 STATEWIDE COMPENSATORY INSTRUCTION FUND. MONIES IN LOCAL LEVEL COMPENSATORY
9 INSTRUCTION FUNDS SHALL BE SPENT ONLY FOR COMPENSATORY INSTRUCTION. THE
10 AUDITOR GENERAL SHALL MODIFY THE BUDGET FORMAT, FINANCIAL RECORD
11 REQUIREMENTS, ACCOUNTING FORMS AND FINANCIAL REPORT FORMS IN ACCORDANCE WITH
12 THIS SUBSECTION. IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, THE
13 AUDITOR GENERAL SHALL PROVIDE SUPPORT AND GUIDANCE TO ASSIST SCHOOL DISTRICTS
14 AND CHARTER SCHOOLS IN COMPLYING WITH THIS SUBSECTION. DOCUMENTS DEVELOPED
15 PURSUANT TO THIS SUBSECTION SHALL BE REVIEWED BY THE ARIZONA ENGLISH LANGUAGE
16 LEARNERS TASK FORCE ESTABLISHED BY SECTION 15-756.01 AND THE JOINT
17 LEGISLATIVE BUDGET COMMITTEE.

18 G. FOR THE PURPOSES OF THIS SECTION, "COMPENSATORY INSTRUCTION" MEANS
19 PROGRAMS IN ADDITION TO NORMAL CLASSROOM INSTRUCTION THAT MAY INCLUDE
20 INDIVIDUAL OR SMALL GROUP INSTRUCTION, EXTENDED DAY CLASSES, SUMMER SCHOOL OR
21 INTERSESSION SCHOOL AND THAT ARE LIMITED TO IMPROVING THE ENGLISH PROFICIENCY
22 OF CURRENT ENGLISH LANGUAGE LEARNERS AND PUPILS WHO WERE ENGLISH LANGUAGE
23 LEARNERS AND WHO HAVE BEEN RECLASSIFIED AS ENGLISH PROFICIENT WITHIN THE
24 PREVIOUS TWO YEARS.

25 15-756.12. Auditor general; duties

26 THE AUDITOR GENERAL SHALL:

27 1. MODIFY THE ANNUAL FINANCIAL REPORT PRESCRIBED IN SECTION 15-904 IN
28 ORDER TO CARRY OUT THIS ARTICLE.

29 2. BIENNIALLY AUDIT THE OVERALL EFFECTIVENESS OF THE ENGLISH LANGUAGE
30 LEARNER PROGRAM BASED ON PERFORMANCE BASED OUTCOME MEASUREMENTS AND INCREASED
31 ENGLISH PROFICIENCY AND REVIEW THE MOBILITY OF ENGLISH PROFICIENT STUDENTS
32 AND ENGLISH LANGUAGE LEARNERS.

33 3. CONDUCT FINANCIAL AUDITS ON SCHOOL DISTRICTS MONITORED PURSUANT TO
34 SECTION 15-756.08. THE FINANCIAL AUDITS SHALL INCLUDE A REVIEW OF THE
35 STRUCTURED ENGLISH IMMERSION BUDGET REQUESTS SUBMITTED PURSUANT TO SECTIONS
36 15-756.01 AND 15-756.03 AND OF THE STATEWIDE COMPENSATORY INSTRUCTION BUDGET
37 REQUESTS SUBMITTED PURSUANT TO SECTION 15-756.11. THE AUDITOR GENERAL MAY
38 CONDUCT FINANCIAL AUDITS ON RANDOMLY SELECTED SCHOOL DISTRICTS THAT ARE NOT
39 CURRENTLY MONITORED PURSUANT TO SECTION 15-756.08.

40 15-756.13. School district and charter schools; responsibility
41 to comply with state and federal law

42 NOTHING IN SECTIONS 15-756 AND 15-756.01 THROUGH 15-756.12 RELIEVES A
43 SCHOOL DISTRICT OR CHARTER SCHOOL OF ITS RESPONSIBILITY TO COMPLY WITH ALL
44 STATE AND FEDERAL LAWS.

1 Sec. 5. Section 15-901, Arizona Revised Statutes, is amended to read:

2 15-901. Definitions

3 A. In this title, unless the context otherwise requires:

4 1. "Average daily attendance" or "ADA" means actual average daily
5 attendance through the first one hundred days or two hundred days in session,
6 as applicable.

7 2. "Average daily membership" means the total enrollment of fractional
8 students and full-time students, minus withdrawals, of each school day
9 through the first one hundred days or two hundred days in session, as
10 applicable, for the current year. Withdrawals include students formally
11 withdrawn from schools and students absent for ten consecutive school days,
12 except for excused absences as identified by the department of education.
13 For computation purposes, the effective date of withdrawal shall be
14 retroactive to the last day of actual attendance of the student.

15 (a) "Fractional student" means:

16 (i) For common schools, until fiscal year 2001-2002, a preschool child
17 who is enrolled in a program for preschool children with disabilities of at
18 least three hundred sixty minutes each week or a kindergarten student at
19 least five years of age prior to January 1 of the school year and enrolled in
20 a school kindergarten program that meets at least three hundred forty-six
21 instructional hours during the minimum number of days required in a school
22 year as provided in section 15-341. In fiscal year 2001-2002, the
23 kindergarten program shall meet at least three hundred forty-eight hours. In
24 fiscal year 2002-2003, the kindergarten program shall meet at least three
25 hundred fifty hours. In fiscal year 2003-2004, the kindergarten program
26 shall meet at least three hundred fifty-two hours. In fiscal year 2004-2005,
27 the kindergarten program shall meet at least three hundred fifty-four hours.
28 In fiscal year 2005-2006 and each fiscal year thereafter, the kindergarten
29 program shall meet at least three hundred fifty-six hours. Lunch periods and
30 recess periods may not be included as part of the instructional hours unless
31 the child's individualized education program requires instruction during
32 those periods and the specific reasons for such instruction are fully
33 documented. In computing the average daily membership, preschool children
34 with disabilities and kindergarten students shall be counted as one-half of a
35 full-time student. For common schools, a part-time student is a student
36 enrolled for less than the total time for a full-time student as defined in
37 this section. A part-time common school student shall be counted as
38 one-fourth, one-half or three-fourths of a full-time student if the student
39 is enrolled in an instructional program that is at least one-fourth, one-half
40 or three-fourths of the time a full-time student is enrolled as defined in
41 subdivision (b) of this paragraph.

42 (ii) For high schools, a part-time student who is enrolled in less
43 than four subjects that count toward graduation as defined by the state board
44 of education in a recognized high school and who is taught in less than
45 twenty instructional hours per week prorated for any week with fewer than

1 five school days. A part-time high school student shall be counted as
2 one-fourth, one-half or three-fourths of a full-time student if the student
3 is enrolled in an instructional program that is at least one-fourth, one-half
4 or three-fourths of a full-time instructional program as defined in
5 subdivision (c) of this paragraph.

6 (b) "Full-time student" means:

7 (i) For common schools, a student who is at least six years of age
8 prior to January 1 of a school year, who has not graduated from the highest
9 grade taught in the school district and who is regularly enrolled in a course
10 of study required by the state board of education. Until fiscal year
11 2001-2002, first, second and third grade students, ungraded students at least
12 six, but under nine, years of age by September 1 or ungraded group B children
13 with disabilities who are at least five, but under six, years of age by
14 September 1 must be enrolled in an instructional program that meets for a
15 total of at least six hundred ninety-two hours during the minimum number of
16 days required in a school year as provided in section 15-341. In fiscal year
17 2001-2002, the program shall meet at least six hundred ninety-six hours. In
18 fiscal year 2002-2003, the program shall meet at least seven hundred hours.
19 In fiscal year 2003-2004, the program shall meet at least seven hundred four
20 hours. In fiscal year 2004-2005, the program shall meet at least seven
21 hundred eight hours. In fiscal year 2005-2006 and in each fiscal year
22 thereafter, the program shall meet at least seven hundred twelve hours.
23 Until fiscal year 2001-2002, fourth, fifth and sixth grade students or
24 ungraded students at least nine, but under twelve, years of age by September
25 1 must be enrolled in an instructional program that meets for a total of at
26 least eight hundred sixty-five hours during the minimum number of school days
27 required in a school year as provided in section 15-341. In fiscal year
28 2001-2002, the program shall meet at least eight hundred seventy hours. In
29 fiscal year 2002-2003, the program shall meet at least eight hundred
30 seventy-five hours. In fiscal year 2003-2004, the program shall meet at
31 least eight hundred eighty hours. In fiscal year 2004-2005, the program
32 shall meet at least eight hundred eighty-five hours. In fiscal year
33 2005-2006 and each fiscal year thereafter, the program shall meet at least
34 eight hundred ninety hours. Until fiscal year 2001-2002, seventh and eighth
35 grade students or ungraded students at least twelve, but under fourteen,
36 years of age by September 1 must be enrolled in an instructional program that
37 meets for a total of at least one thousand thirty-eight hours during the
38 minimum number of days required in a school year as provided in section
39 15-341. In fiscal year 2001-2002, the program shall meet at least one
40 thousand forty-four hours. In fiscal year 2002-2003, the program shall meet
41 at least one thousand fifty hours. In fiscal year 2003-2004, the program
42 shall meet at least one thousand fifty-six hours. In fiscal year 2004-2005,
43 the program shall meet at least one thousand sixty-two hours. In fiscal year
44 2005-2006 and each fiscal year thereafter, the program shall meet at least
45 one thousand sixty-eight hours. Lunch periods and recess periods may not be

1 included as part of the instructional hours unless the student is a child
2 with a disability and the child's individualized education program requires
3 instruction during those periods and the specific reasons for such
4 instruction are fully documented.

5 (ii) For high schools, a student not graduated from the highest grade
6 taught in the school district, or an ungraded student at least fourteen years
7 of age by September 1, and enrolled in at least a full-time instructional
8 program of subjects that count toward graduation as defined by the state
9 board of education in a recognized high school. A full-time student shall
10 not be counted more than once for computation of average daily membership.

11 (iii) For homebound or hospitalized, a student receiving at least four
12 hours of instruction per week.

13 (c) "Full-time instructional program" means:

14 (i) Through fiscal year 2000-2001, at least four subjects, each of
15 which, if taught each school day for the minimum number of days required in a
16 school year, would meet a minimum of one hundred twenty hours a year, or the
17 equivalent, or one or more subjects taught in amounts of time totaling at
18 least twenty hours per week prorated for any week with fewer than five school
19 days.

20 (ii) For fiscal year 2001-2002, an instructional program that meets at
21 least a total of seven hundred four hours during the minimum number of days
22 required and includes at least four subjects each of which, if taught each
23 school day for the minimum number of days required in a school year, would
24 meet a minimum of one hundred twenty-two hours a year, or the equivalent, or
25 one or more subjects taught in amounts of time totaling at least twenty hours
26 per week prorated for any week with fewer than five school days.

27 (iii) For fiscal year 2002-2003, an instructional program that meets
28 at least a total of seven hundred eight hours during the minimum number of
29 days required and includes at least four subjects each of which, if taught
30 each school day for the minimum number of days required in a school year,
31 would meet a minimum of one hundred twenty-two hours a year, or the
32 equivalent, or one or more subjects taught in amounts of time totaling at
33 least twenty hours per week prorated for any week with fewer than five school
34 days.

35 (iv) For fiscal year 2003-2004, an instructional program that meets at
36 least a total of seven hundred twelve hours during the minimum number of days
37 required and includes at least four subjects each of which, if taught each
38 school day for the minimum number of days required in a school year, would
39 meet a minimum of one hundred twenty-three hours a year, or the equivalent,
40 or one or more subjects taught in amounts of time totaling at least twenty
41 hours per week prorated for any week with fewer than five school days.

42 (v) For fiscal year 2004-2005, an instructional program that meets at
43 least a total of seven hundred sixteen hours during the minimum number of
44 days required and includes at least four subjects each of which, if taught
45 each school day for the minimum number of days required in a school year,

1 would meet a minimum of one hundred twenty-three hours a year, or the
2 equivalent, or one or more subjects taught in amounts of time totaling at
3 least twenty hours per week prorated for any week with fewer than five school
4 days.

5 (vi) For fiscal year 2005-2006 and each fiscal year thereafter, an
6 instructional program that meets at least a total of seven hundred twenty
7 hours during the minimum number of days required and includes at least four
8 subjects each of which, if taught each school day for the minimum number of
9 days required in a school year, would meet a minimum of one hundred
10 twenty-three hours a year, or the equivalent, or one or more subjects taught
11 in amounts of time totaling at least twenty hours per week prorated for any
12 week with fewer than five school days.

13 3. "Budget year" means the fiscal year for which the school district
14 is budgeting and which immediately follows the current year.

15 4. "Common school district" means a political subdivision of this
16 state offering instruction to students in programs for preschool children
17 with disabilities and kindergarten programs and grades one through eight.

18 5. "Current year" means the fiscal year in which a school district is
19 operating.

20 6. "Daily attendance" means:

21 (a) For common schools, days in which a pupil:

22 (i) Of a kindergarten program or ungraded, but not group B children
23 with disabilities, and at least five, but under six, years of age by
24 September 1 attends at least three-quarters of the instructional time
25 scheduled for the day. If the total instruction time scheduled for the year
26 is at least three hundred forty-six hours but is less than six hundred
27 ninety-two hours such attendance shall be counted as one-half day of
28 attendance. If the instructional time scheduled for the year is at least six
29 hundred ninety-two hours, "daily attendance" means days in which a pupil
30 attends at least one-half of the instructional time scheduled for the day.
31 Such attendance shall be counted as one-half day of attendance.

32 (ii) Of the first, second or third grades, ungraded and at least six,
33 but under nine, years of age by September 1 or ungraded group B children with
34 disabilities and at least five, but under six, years of age by September 1
35 attends more than three-quarters of the instructional time scheduled for the
36 day.

37 (iii) Of the fourth, fifth or sixth grades or ungraded and at least
38 nine, but under twelve, years of age by September 1 attends more than
39 three-quarters of the instructional time scheduled for the day, except as
40 provided in section 15-797.

41 (iv) Of the seventh or eighth grades or ungraded and at least twelve,
42 but under fourteen, years of age by September 1 attends more than
43 three-quarters of the instructional time scheduled for the day, except as
44 provided in section 15-797.

1 (b) For common schools, the attendance of a pupil at three-quarters or
2 less of the instructional time scheduled for the day shall be counted as
3 follows, except as provided in section 15-797 and except that attendance for
4 a fractional student shall not exceed the pupil's fractional membership:

5 (i) If attendance for all pupils in the school is based on quarter
6 days, the attendance of a pupil shall be counted as one-fourth of a day's
7 attendance for each one-fourth of full-time instructional time attended.

8 (ii) If attendance for all pupils in the school is based on half days,
9 the attendance of at least three-quarters of the instructional time scheduled
10 for the day shall be counted as a full day's attendance and attendance at a
11 minimum of one-half but less than three-quarters of the instructional time
12 scheduled for the day equals one-half day of attendance.

13 (c) For common schools, the attendance of a preschool child with
14 disabilities shall be counted as one-fourth day's attendance for each
15 thirty-six minutes of attendance not including lunch periods and recess
16 periods, except as provided in paragraph 2, subdivision (a), item (i) of this
17 subsection for children with disabilities up to a maximum of three hundred
18 sixty minutes each week.

19 (d) For high schools or ungraded schools in which the pupil is at
20 least fourteen years of age by September 1, the attendance of a pupil shall
21 not be counted as a full day unless the pupil is actually and physically in
22 attendance and enrolled in and carrying four subjects, each of which, if
23 taught each school day for the minimum number of days required in a school
24 year, would meet a minimum of one hundred twenty hours a year, or the
25 equivalent, that count toward graduation in a recognized high school except
26 as provided in section 15-797 and subdivision (e) of this paragraph.
27 Attendance of a pupil carrying less than the load prescribed shall be
28 prorated.

29 (e) For high schools or ungraded schools in which the pupil is at
30 least fourteen years of age by September 1, the attendance of a pupil may be
31 counted as one-fourth of a day's attendance for each sixty minutes of
32 instructional time in a subject that counts toward graduation, except that
33 attendance for a pupil shall not exceed the pupil's full or fractional
34 membership.

35 (f) For homebound or hospitalized, a full day of attendance may be
36 counted for each day during a week in which the student receives at least
37 four hours of instruction.

38 (g) For school districts which maintain school for an approved
39 year-round school year operation, attendance shall be based on a computation,
40 as prescribed by the superintendent of public instruction, of the one hundred
41 eighty days' equivalency or two hundred days' equivalency, as applicable, of
42 instructional time as approved by the superintendent of public instruction
43 during which each pupil is enrolled.

1 7. "Daily route mileage" means the sum of:

2 (a) The total number of miles driven daily by all buses of a school
3 district while transporting eligible students from their residence to the
4 school of attendance and from the school of attendance to their residence on
5 scheduled routes approved by the superintendent of public instruction.

6 (b) The total number of miles driven daily on routes approved by the
7 superintendent of public instruction for which a private party, a political
8 subdivision or a common or a contract carrier is reimbursed for bringing an
9 eligible student from the place of his residence to a school transportation
10 pickup point or to the school of attendance and from the school
11 transportation scheduled return point or from the school of attendance to his
12 residence. Daily route mileage includes the total number of miles necessary
13 to drive to transport eligible students from and to their residence as
14 provided in this paragraph.

15 8. "District support level" means the base support level plus the
16 transportation support level.

17 9. "Eligible students" means:

18 (a) Students who are transported by or for a school district and who
19 qualify as full-time students or fractional students, except students for
20 whom transportation is paid by another school district or a county school
21 superintendent, and:

22 (i) For common school students, whose place of actual residence within
23 the school district is more than one mile from the school facility of
24 attendance or students who are admitted pursuant to section 15-816.01 and who
25 meet the economic eligibility requirements established under the national
26 school lunch and child nutrition acts (42 United States Code sections 1751
27 through 1785) for free or reduced price lunches and whose actual place of
28 residence outside the school district boundaries is more than one mile from
29 the school facility of attendance.

30 (ii) For high school students, whose place of actual residence within
31 the school district is more than one and one-half miles from the school
32 facility of attendance or students who are admitted pursuant to section
33 15-816.01 and who meet the economic eligibility requirements established
34 under the national school lunch and child nutrition acts (42 United States
35 Code sections 1751 through 1785) for free or reduced price lunches and whose
36 actual place of residence outside the school district boundaries is more than
37 one and one-half miles from the school facility of attendance.

38 (b) Kindergarten students, for purposes of computing the number of
39 eligible students under subdivision (a), item (i) of this paragraph, shall be
40 counted as full-time students, notwithstanding any other provision of law.

41 (c) Children with disabilities, as defined by section 15-761, who are
42 transported by or for the school district or who are admitted pursuant to
43 chapter 8, article 1.1 of this title and who qualify as full-time students or
44 fractional students regardless of location or residence within the school

1 district or children with disabilities whose transportation is required by
2 the pupil's individualized education program.

3 (d) Students whose residence is outside the school district and who
4 are transported within the school district on the same basis as students who
5 reside in the school district.

6 10. "Enrolled" or "enrollment" means when a pupil is currently
7 registered in the school district.

8 11. "GDP price deflator" means the average of the four implicit price
9 deflators for the gross domestic product reported by the United States
10 department of commerce for the four quarters of the calendar year.

11 12. "High school district" means a political subdivision of this state
12 offering instruction to students for grades nine through twelve or that
13 portion of the budget of a common school district which is allocated to
14 teaching high school subjects with permission of the state board of
15 education.

16 13. "Revenue control limit" means the base revenue control limit plus
17 the transportation revenue control limit.

18 14. "Student count" means average daily membership as prescribed in
19 this subsection for the fiscal year prior to the current year, except that
20 for the purpose of budget preparation student count means average daily
21 membership as prescribed in this subsection for the current year.

22 15. "Submit electronically" means submitted in a format and in a manner
23 prescribed by the department of education.

24 16. "Total bus mileage" means the total number of miles driven by all
25 buses of a school district during the school year.

26 17. "Total students transported" means all eligible students
27 transported from their place of residence to a school transportation pickup
28 point or to the school of attendance and from the school of attendance or
29 from the school transportation scheduled return point to their place of
30 residence.

31 18. "Unified school district" means a political subdivision of the
32 state offering instruction to students in programs for preschool children
33 with disabilities and kindergarten programs and grades one through twelve.

34 B. In this title, unless the context otherwise requires:

35 1. "Base" means the revenue level per student count specified by the
36 legislature.

37 2. "Base level" means:

38 (a) For fiscal year 2004-2005, two thousand eight hundred ninety-three
39 dollars eighteen cents.

40 (b) For fiscal year 2005-2006, three thousand one dollars.

41 3. "Base revenue control limit" means the base revenue control limit
42 computed as provided in section 15-944.

43 4. "Base support level" means the base support level as provided in
44 section 15-943.

1 5. "Certified teacher" means a person who is certified as a teacher
2 pursuant to the rules adopted by the state board of education, who renders
3 direct and personal services to school children in the form of instruction
4 related to the school district's educational course of study and who is paid
5 from the maintenance and operation section of the budget.

6 6. "ED, MIMR, SLD, SLI and OHI" means programs for children with
7 emotional disabilities, mild mental retardation, a specific learning
8 disability, a speech/language impairment and other health impairments.

9 7. "ED-P" means programs for children with emotional disabilities who
10 are enrolled in private special education programs as prescribed in section
11 15-765, subsection D, paragraph 1 or in an intensive school district program
12 as provided in section 15-765, subsection D, paragraph 2.

13 ~~8. "ELL" means English learners who do not speak English or whose~~
14 ~~native language is not English, who are not currently able to perform~~
15 ~~ordinary classroom work in English and who are enrolled in an English~~
16 ~~language education program pursuant to sections 15-751, 15-752 and 15-753.~~

17 9. 8. "Full-time equivalent certified teacher" or "FTE certified
18 teacher" means for a certified teacher the following:

19 (a) If employed full time as defined in section 15-501, 1.00.

20 (b) If employed less than full time, multiply 1.00 by the percentage
21 of a full school day, or its equivalent, or a full class load, or its
22 equivalent, for which the teacher is employed as determined by the governing
23 board.

24 ~~10.~~ 9. "Group A" means educational programs for career exploration, a
25 specific learning disability, an emotional disability, mild mental
26 retardation, remedial education, a speech/language impairment, homebound,
27 bilingual, preschool moderate delay, preschool speech/language delay, other
28 health impairments and gifted pupils.

29 ~~11.~~ 10. "Group B" means educational improvements for pupils in
30 kindergarten programs and grades one through three, educational programs for
31 autism, a hearing impairment, moderate mental retardation, multiple
32 disabilities, multiple disabilities with severe sensory impairment,
33 orthopedic impairments, preschool severe delay, severe mental retardation and
34 emotional disabilities for school age pupils enrolled in private special
35 education programs or in school district programs for children with severe
36 disabilities or visual impairment ~~and English learners enrolled in a program~~
37 ~~to promote English language proficiency pursuant to section 15-752.~~

38 ~~12.~~ 11. "HI" means programs for pupils with hearing impairment.

39 ~~13.~~ 12. "Homebound" or "hospitalized" means a pupil who is capable of
40 profiting from academic instruction but is unable to attend school due to
41 illness, disease, accident or other health conditions, who has been examined
42 by a competent medical doctor and who is certified by that doctor as being
43 unable to attend regular classes for a period of not less than three school
44 months or a pupil who is capable of profiting from academic instruction but
45 is unable to attend school regularly due to chronic or acute health problems,

1 who has been examined by a competent medical doctor and who is certified by
2 that doctor as being unable to attend regular classes for intermittent
3 periods of time totaling three school months during a school year. The
4 medical certification shall state the general medical condition, such as
5 illness, disease or chronic health condition, that is the reason that the
6 pupil is unable to attend school. Homebound or hospitalized includes a
7 student who is unable to attend school for a period of less than three months
8 due to a pregnancy if a competent medical doctor, after an examination,
9 certifies that the student is unable to attend regular classes due to risk to
10 the pregnancy or to the student's health.

11 ~~14.~~ 13. "K-3" means kindergarten programs and grades one through
12 three.

13 ~~15.~~ 14. "MD-R, A-R and SMR-R" means resource programs for pupils with
14 multiple disabilities, autism and severe mental retardation.

15 ~~16.~~ 15. "MD-SC, A-SC and SMR-SC" means self-contained programs for
16 pupils with multiple disabilities, autism and severe mental retardation.

17 ~~17.~~ 16. "MDSSI" means a program for pupils with multiple disabilities
18 with severe sensory impairment.

19 ~~18.~~ 17. "MOMR" means programs for pupils with moderate mental
20 retardation.

21 ~~19.~~ 18. "OI-R" means a resource program for pupils with orthopedic
22 impairments.

23 ~~20.~~ 19. "OI-SC" means a self-contained program for pupils with
24 orthopedic impairments.

25 ~~21.~~ 20. "PSD" means preschool programs for children with disabilities
26 as provided in section 15-771.

27 ~~22.~~ 21. "P-SD" means programs for children who meet the definition of
28 preschool severe delay as provided in section 15-771.

29 ~~23.~~ 22. "Qualifying tax rate" means the qualifying tax rate specified
30 in section 15-971 applied to the assessed valuation used for primary property
31 taxes.

32 ~~24.~~ 23. "Small isolated school district" means a school district which
33 meets all of the following:

34 (a) Has a student count of fewer than six hundred in kindergarten
35 programs and grades one through eight or grades nine through twelve.

36 (b) Contains no school which is fewer than thirty miles by the most
37 reasonable route from another school, or, if road conditions and terrain make
38 the driving slow or hazardous, fifteen miles from another school which
39 teaches one or more of the same grades and is operated by another school
40 district in this state.

41 (c) Is designated as a small isolated school district by the
42 superintendent of public instruction.

43 ~~25.~~ 24. "Small school district" means a school district which meets
44 all of the following:

1 (a) Has a student count of fewer than six hundred in kindergarten
2 programs and grades one through eight or grades nine through twelve.

3 (b) Contains at least one school which is fewer than thirty miles by
4 the most reasonable route from another school which teaches one or more of
5 the same grades and is operated by another school district in this state.

6 (c) Is designated as a small school district by the superintendent of
7 public instruction.

8 ~~26-~~ 25. "Transportation revenue control limit" means the
9 transportation revenue control limit computed as prescribed in section
10 15-946.

11 ~~27-~~ 26. "Transportation support level" means the support level for
12 pupil transportation operating expenses as provided in section 15-945.

13 ~~28-~~ 27. "VI" means programs for pupils with visual impairments.

14 ~~29-~~ 28. "Voc. Ed." means career and technical education and vocational
15 education programs, as defined in section 15-781.

16 Sec. 6. Section 15-910, Arizona Revised Statutes, is amended to read:

17 15-910. School district budgets; excess utility costs;
18 desegregation costs; tuition costs for bond issues;
19 costs for registering warrants; report

20 A. The governing board may budget for the district's excess utility
21 costs which are specifically exempt from the district's revenue control
22 limit. If approved by the qualified electors voting at a statewide general
23 election, the exemption from the revenue control limit under this subsection
24 expires at the end of the 2008-2009 budget year. The uniform system of
25 financial records shall specify expenditure items allowable as excess utility
26 costs, which are limited to direct operational costs of heating, cooling,
27 water and electricity, telephone communications and sanitation fees. The
28 department of education and the auditor general shall include in the
29 maintenance and operation section of the budget format, as provided in
30 section 15-903, a separate line for utility expenditures and a special excess
31 utility cost category. The special excess utility cost category shall
32 contain budgeted expenditures for excess utility costs, determined as
33 follows:

34 1. Determine the lesser of the total budgeted or total actual utility
35 expenditures for fiscal year 1984-1985.

36 2. Multiply the amount in paragraph 1 of this subsection by the total
37 percentage increase or decrease in the revenue control limit and the capital
38 outlay revenue limit for the budget year over the revenue control limit and
39 the capital outlay revenue limit for fiscal year 1984-1985 excluding monies
40 available from a career ladder program or a teacher compensation program
41 provided for in section 15-952.

42 3. The sum of the amounts in paragraphs 1 and 2 of this subsection is
43 the amount budgeted in the utility expenditure line.

44 4. Additional expenditures for utilities are budgeted in the excess
45 utility cost category.

1 B. The governing board shall apply the same percentage increase or
2 decrease allowed in the revenue control limit and the capital outlay revenue
3 limit as provided in section 15-905, subsection E or section 15-948 to the
4 utility expenditure line of the budget.

5 C. The governing board may expend from the excess utility cost
6 category only after it has expended for utility purposes the full amount
7 budgeted in the utility expenditure line of the budget.

8 D. The governing board, after notice is given and a public meeting is
9 held as provided in section 15-905, subsection D, may revise at any time
10 before May 15 the amount budgeted in the excess utility cost category for the
11 current year. Not later than May 18, the budget as revised shall be
12 submitted electronically to the superintendent of public instruction.

13 E. If the revised excess utility cost category results in an
14 expenditure of monies in excess of school district revenues for the current
15 year, the county school superintendent shall include within the revenue
16 estimate for the budget year monies necessary to meet the liabilities
17 incurred by the school district in the current year in excess of revenues
18 received for the current year.

19 F. If a school district receives a refund of utility expenditures or a
20 rebate on energy saving devices or services, the refund or rebate shall be
21 applied against utility expenditures for the current year as a reduction of
22 the expenditures, except that the reduction of expenditures shall not exceed
23 the amount of actual utility expenditures.

24 G. The governing board may budget for expenses of complying with or
25 continuing to implement activities which were required or permitted by a
26 court order of desegregation or administrative agreement with the United
27 States department of education office for civil rights directed toward
28 remediating alleged or proven racial discrimination which are specifically
29 exempt in whole or in part from the revenue control limit and the capital
30 outlay revenue limit. This exemption applies only to expenses incurred for
31 activities which are begun before the termination of the court order or
32 administrative agreement. IF A DISTRICT IS LEVYING A PRIMARY PROPERTY TAX ON
33 FEBRUARY 23, 2006 AND USING THOSE MONIES TO ADMINISTER AN ENGLISH LANGUAGE
34 LEARNER PROGRAM TO REMEDY ALLEGED OR PROVEN DISCRIMINATION UNDER TITLE VI OF
35 THE CIVIL RIGHTS ACT OF 1964 (42 UNITED STATES CODE SECTION 2000d), THE
36 DISTRICT MAY SPEND THOSE MONIES TO REMEDY A VIOLATION OF THE EQUAL EDUCATION
37 ACT OF 1974 (20 UNITED STATES CODE SECTION 1703(f)). NOTHING IN THIS
38 SUBSECTION ALLOWS A SCHOOL DISTRICT TO LEVY A PRIMARY PROPERTY TAX FOR
39 VIOLATIONS OF THE EQUAL EDUCATION ACT OF 1974 (20 UNITED STATES CODE SECTION
40 1703(f)) IN THE ABSENCE OF AN ALLEGED OR PROVEN DISCRIMINATION UNDER TITLE VI
41 OF THE CIVIL RIGHTS ACT OF 1964 (42 UNITED STATES CODE SECTION 2000d).

42 H. If a governing board chooses to budget monies outside of the
43 revenue control limit as provided in subsection G of this section, the
44 governing board may do one of the following:

1 1. Use monies from the maintenance and operation fund equal to any
2 excess desegregation or compliance expenses beyond the revenue control limit
3 before June 30 of the current year.

4 2. Notify the county school superintendent to include the cost of the
5 excess expenses in the county school superintendent's estimate of the
6 additional amount needed for the school district from the primary property
7 tax as provided in section 15-991.

8 3. Employ the provisions of both paragraphs 1 and 2 of this subsection
9 provided that the total amount transferred and included in the amount needed
10 from property taxes does not exceed the total amount budgeted as prescribed
11 in subsection J, paragraph 1 of this section.

12 I. Through fiscal year 2003-2004, the maximum amount which a governing
13 board may budget outside of the capital outlay revenue limit as provided in
14 subsection G of this section is twelve per cent of the maintenance and
15 operation desegregation budget as provided in subsection J of this section or
16 the amount that it budgeted pursuant to this subsection for fiscal year
17 2001-2002, whichever is less. If a governing board chooses to budget monies
18 outside of the capital outlay revenue limit as provided in subsection G of
19 this section, the governing board may notify the county school superintendent
20 to include the cost of the excess expenses in the county school
21 superintendent's estimate of the additional amount needed for the school
22 district from the primary property tax as provided in section 15-991.

23 J. A governing board using subsections G, H and I of this section:

24 1. Shall prepare and employ a separate maintenance and operation
25 desegregation budget and capital outlay desegregation budget on a form
26 prescribed by the superintendent of public instruction in conjunction with
27 the auditor general. The budget format shall be designed to allow a school
28 district to plan and provide in detail for expenditures to be incurred solely
29 as a result of compliance with or continuing to implement activities which
30 were required or permitted by a court order of desegregation or
31 administrative agreement with the United States department of education
32 office for civil rights directed toward remediating alleged or proven racial
33 discrimination.

34 2. Shall prepare as a part of the annual financial report a detailed
35 report of expenditures incurred solely as a result of compliance with or
36 continuing to implement activities which were required or permitted by a
37 court order of desegregation or administrative agreement with the United
38 States department of education office for civil rights directed toward
39 remediating alleged or proven racial discrimination, in a format prescribed
40 by the auditor general in conjunction with the department of education as
41 provided by section 15-904.

42 3. On or before July 15, 2006 and each year thereafter, shall collect
43 and report data regarding activities related to a court order of
44 desegregation or an administrative agreement with the United States
45 department of education office for civil rights directed toward remediating

1 alleged or proven racial discrimination in a format prescribed by the
2 department of education. The department shall compile and submit copies of
3 the reports to the governor, the president of the senate, the speaker of the
4 house of representatives and the chairpersons of the education committees of
5 the senate and the house of representatives. A school district that becomes
6 subject to a new court order of desegregation or a party to an administrative
7 agreement with the United States department of education office for civil
8 rights directed toward remediating alleged or proven racial discrimination
9 shall submit these reports on or before July 15 or within ninety days of the
10 date of the court order or administrative agreement, whichever occurs
11 first. The department of education, in consultation with the auditor
12 general, shall develop reporting requirements to ensure that school districts
13 submit at least the following information and documentation to the department
14 of education beginning in fiscal year 2006-2007:

15 (a) A district-wide budget summary and a budget summary on a school by
16 school basis for each school in the school district that lists the sources
17 and uses of monies that are designated for desegregation purposes.

18 (b) A detailed list of desegregation activities on a district-wide
19 basis and on a school by school basis for each school in the school district.

20 (c) The date that the school district was determined to be out of
21 compliance with title VI of the civil rights act of 1964 (42 United States
22 Code section 2000d) and the basis for that determination.

23 (d) The initial date that the school district began to levy property
24 taxes to provide funding for desegregation expenses and any dates that these
25 property tax levies were increased.

26 (e) If applicable, a current and accurate description of all magnet
27 type programs that are in operation pursuant to the court order during the
28 current school year on a district-wide basis and on a school by school
29 basis. This information shall contain the eligibility and attendance
30 criteria of each magnet type program, the capacity of each magnet type
31 program, the ethnic composition goals of each magnet type program, the actual
32 attending ethnic composition of each magnet type program and the specific
33 activities offered in each magnet type program.

34 (f) The number of pupils who participate in desegregation activities
35 on a district-wide basis and on a school by school basis for each school in
36 the school district.

37 (g) A detailed summary of the academic achievement of pupils on a
38 district-wide basis and on a school by school basis for each school in the
39 school district.

40 (h) The number of employees, including teachers and administrative
41 personnel, on a district-wide basis and on a school by school basis for each
42 school in the school district that are necessary to conduct desegregation
43 activities.

44 (i) The number of employees, including teachers and administrative
45 personnel, on a district-wide basis and on a school by school basis for each

1 school in the school district and the number of employees at school district
2 administrative offices that are funded in whole or in part with desegregation
3 monies received pursuant to this section.

4 (j) The amount of monies that are not derived through a primary or
5 secondary property tax levy and that are budgeted and spent on desegregation
6 activities on a district-wide basis and on a school by school basis for each
7 school in the school district.

8 (k) Verification that the desegregation funding will supplement and
9 not supplant funding for other academic and extracurricular activities.

10 (l) Verification that the desegregation funding is educationally
11 justifiable.

12 (m) Any documentation that supports the proposition that the requested
13 desegregation funding is intended to result in equal education opportunities
14 for all pupils in the school district.

15 (n) Verification that the desegregation funding will be used to
16 promote systemic and organizational changes within the school district.

17 (o) Verification that the desegregation funding will be used in
18 accordance with the academic standards adopted by the state board of
19 education pursuant to sections 15-701 and 15-701.01.

20 (p) Verification that the desegregation funding will be used to
21 accomplish specific actions to remediate proven discrimination pursuant to
22 title VI of the civil rights act of 1964 (42 United States Code section
23 2000d) as specified in the court order or administrative agreement.

24 (q) An evaluation by the school district of the effectiveness of the
25 school district's desegregation measures.

26 (r) An estimate of when the school district will be in compliance with
27 the court order or administrative agreement and a detailed account of the
28 steps that the school district will take to achieve compliance.

29 (s) Any other information that the department of education deems
30 necessary to carry out the purposes of this paragraph.

31 K. If a school district governing board budgets for expenses of
32 complying with a court order of desegregation or an administrative agreement
33 with the United States department of education office for civil rights
34 directed toward remediating alleged or proven racial discrimination, the
35 governing board shall ensure that the desegregation expenses will:

36 1. Be educationally justifiable.

37 2. Result in equal education opportunities for all pupils in the
38 school district.

39 3. Be used to promote systemic and organizational changes within the
40 school district.

41 4. Be used in accordance with the academic standards adopted by the
42 state board of education pursuant to sections 15-701 and 15-701.01.

43 5. Be used to accomplish specific actions to remediate proven
44 discrimination pursuant to title VI of the civil rights act of 1964 (42

1 United States Code section 2000d) as specified in the court order or
2 administrative agreement.

3 6. Be used in accordance with a plan submitted to the department of
4 education that includes an estimate of the amount of monies that will be
5 required to bring the school district into compliance with the court order or
6 administrative agreement and an estimate of when the school district will be
7 in compliance with the court order or administrative agreement.

8 L. The governing board may budget for the bond issues portion of the
9 cost of tuition charged the district as provided in section 15-824 for the
10 pupils attending school in another school district, except that if the
11 district is a common school district not within a high school district, the
12 district may only include that part of tuition which is excluded from the
13 revenue control limit and district support level as provided in section
14 15-951. The bond issues portion of the cost of tuition charged is
15 specifically exempt from the revenue control limit of the school district of
16 residence, and the primary property tax rate set to fund this amount shall
17 not be included in the computation of additional state aid for education as
18 provided in section 15-972, except as provided in section 15-972, subsection
19 E. The department of education and the auditor general shall include in the
20 maintenance and operation section of the budget format, as provided in
21 section 15-903, a separate category for the bond issues portion of the cost
22 of tuition.

23 M. The governing board may budget for interest expenses it incurred
24 for registering warrants drawn against a fund of the school district or net
25 interest expense on tax anticipation notes as prescribed in section
26 35-465.05, subsection C for the fiscal year preceding the current year if the
27 county treasurer pooled all school district monies for investment as provided
28 in section 15-996 for the fiscal year preceding the current year and, in
29 those school districts that receive state aid, the school districts applied
30 for an apportionment of state aid before the date set for the apportionment
31 as provided in section 15-973 for the fiscal year preceding the current year.
32 The governing board may budget an amount for interest expenses for
33 registering warrants or issuing tax anticipation notes equal to or less than
34 the amount of the warrant interest expense or net interest expense on tax
35 anticipation notes as prescribed in section 35-465.05, subsection C for the
36 fiscal year preceding the current year as provided in this subsection which
37 is specifically exempt from the revenue control limit. For the purposes of
38 this subsection, "state aid" means state aid as determined in sections 15-971
39 and 15-972.

40 Sec. 7. Section 15-943, Arizona Revised Statutes, is amended to read:
41 15-943. Base support level

42 The base support level for each school district shall be computed as
43 follows:

44 1. The following support level weights shall be used in paragraph 2,
45 subdivision (a) for the following school districts:

(a) For school districts whose student count in kindergarten programs and grades one through eight is classified in column 1 of this subdivision, the support level weight for kindergarten programs and grades one through eight is the corresponding support level weight prescribed in column 2 or 3 of this subdivision, whichever is appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
	Support Level Weight	Support Level Weight
	For Small Isolated	For Small
<u>Student Count</u>	<u>School Districts</u>	<u>School Districts</u>
1-99	1.559	1.399
100-499	$1.358 + [0.0005 \times (500 - \text{student count})]$	$1.278 + [0.0003 \times (500 - \text{student count})]$
500-599	$1.158 + [0.002 \times (600 - \text{student count})]$	$1.158 + [0.0012 \times (600 - \text{student count})]$

(b) For school districts whose student count in grades nine through twelve is classified in column 1 of this subdivision, the support level weight for grades nine through twelve is the corresponding support level weight prescribed in column 2 or 3 of this subdivision, whichever is appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
	Support Level Weight	Support Level Weight
	For Small Isolated	For Small
<u>Student Count</u>	<u>School Districts</u>	<u>School Districts</u>
1-99	1.669	1.559
100-499	$1.468 + [0.0005 \times (500 - \text{student count})]$	$1.398 + [0.0004 \times (500 - \text{student count})]$
500-599	$1.268 + [0.002 \times (600 - \text{student count})]$	$1.268 + [0.0013 \times (600 - \text{student count})]$

2. Subject to paragraph 1, determine the weighted student count as follows:

(a)					Support Level Weight	Student Count	Weighted Student Count
<u>Grade</u>	<u>Base</u>		<u>Group A</u>		<u>Weight</u>		<u>Count</u>
PSD	1.000	+	0.450	=	1.450	x	
K-8	1.000	+	0.158	=	1.158	x	
9-12	1.163	+	0.105	=	1.268	x	
					Subtotal	A	

(b)					Support Level Weight	Student Count	Weighted Student Count
<u>Funding Category</u>					<u>Weight</u>	<u>Count</u>	<u>Count</u>
HI					4.771	x	
K-3					0.060	x	
ELL					0.115	*	

1	MD-R, A-R and					
2	SMR-R	6.024	x	_____	=	_____
3	MD-SC, A-SC and					
4	SMR-SC	5.833	x	_____	=	_____
5	MD-SSI	6.531	x	_____	=	_____
6	OI-R	3.158	x	_____	=	_____
7	OI-SC	5.576	x	_____	=	_____
8	P-SD	3.595	x	_____	=	_____
9	ED, MIMR, SLD,					
10	SLI and OHI	0.003	x	_____	=	_____
11	ED-P	4.647	x	_____	=	_____
12	MOMR	4.421	x	_____	=	_____
13	VI	4.806	x	_____	=	_____
14				Subtotal	B	_____

15 (c) Total of subtotals A and B: _____

16 3. Multiply the total determined in paragraph 2 by the base level.

17 4. Multiply the teacher experience index of the district or 1.00,
18 whichever is greater, by the product obtained in paragraph 3.

19 Sec. 8. Section 41-1279.03, Arizona Revised Statutes, is amended to
20 read:

21 41-1279.03. Powers and duties

22 A. The auditor general shall:

23 1. Prepare an audit plan for approval by the committee and report to
24 the committee the results of each audit and investigation and other reviews
25 conducted by the auditor general.

26 2. Conduct or cause to be conducted at least biennial financial and
27 compliance audits of financial transactions and accounts kept by or for all
28 state agencies subject to the single audit act of 1984 (P.L. 98-502). The
29 audits shall be conducted in accordance with generally accepted governmental
30 auditing standards and accordingly shall include tests of the accounting
31 records and other auditing procedures as may be considered necessary in the
32 circumstances. The audits shall include the issuance of suitable reports as
33 required by the single audit act of 1984 (P.L. 98-502) so the legislature,
34 federal government and others will be informed as to the adequacy of
35 financial statements of the state in compliance with generally accepted
36 governmental accounting principles and to determine whether the state has
37 complied with laws and regulations that may have a material effect on the
38 financial statements and on major federal assistance programs.

39 3. Perform procedural reviews for all state agencies at times
40 determined by the auditor general. These reviews may include evaluation of
41 administrative and accounting internal controls and reports on such reviews.

42 4. Perform special research requests, special audits and related
43 assignments as designated by the committee and conduct performance audits,
44 special audits, special research requests and investigations of any state

1 agency, whether created by the constitution or otherwise, as may be requested
2 by the committee.

3 5. Annually on or before the fourth Monday of December, prepare a
4 written report to the governor and to the committee which contains a summary
5 of activities for the previous fiscal year.

6 6. In the tenth year and in each fifth year thereafter in which a
7 transportation excise tax is in effect in a county as provided in section
8 42-6104, 42-6106 or 42-6107, conduct a performance audit that:

9 (a) Reviews past expenditures and future planned expenditures of the
10 transportation excise revenues and determines the impact of the expenditures
11 in solving transportation problems within the county and, for a
12 transportation excise tax in effect in a county as provided in section
13 42-6107, determines whether the expenditures of the transportation excise
14 revenues comply with section 28-6392, subsection B.

15 (b) Reviews projects completed to date and projects to be completed
16 during the remaining years in which a transportation excise tax is in effect.
17 Within six months after each review period the auditor general shall present
18 a report to the speaker of the house of representatives and the president of
19 the senate detailing findings and making recommendations. If the parameters
20 of the performance audit are set by the citizens transportation oversight
21 committee, the auditor general shall also present the report to the citizens
22 transportation oversight committee.

23 (c) Reviews, determines, reports and makes recommendations to the
24 speaker of the house of representatives and the president of the senate
25 whether the distribution of highway user revenues complies with title 28,
26 chapter 18, article 2. If the parameters of the performance audit are set by
27 the citizens transportation oversight committee, the auditor general shall
28 also present the report to the citizens transportation oversight committee.

29 7. If requested by the committee, conduct performance audits of
30 counties and incorporated cities and towns receiving highway user revenue
31 fund monies pursuant to title 28, chapter 18, article 2 to determine if the
32 monies are being spent as provided in section 28-6533, subsection B.

33 8. Perform special audits designated pursuant to law if the auditor
34 general determines that there are adequate monies appropriated for the
35 auditor general to complete the audit. If the auditor general determines the
36 appropriated monies are inadequate, the auditor general shall notify the
37 committee.

38 9. Beginning on July 1, 2001, establish a school-wide audit team in
39 the office of the auditor general to conduct performance audits and monitor
40 school districts to determine the percentage of every dollar spent in the
41 classroom by a school district. THE PERFORMANCE AUDITS SHALL DETERMINE
42 WHETHER SCHOOL DISTRICTS THAT RECEIVE MONIES FROM THE ARIZONA STRUCTURED
43 ENGLISH IMMERSION FUND ESTABLISHED BY SECTION 15-756.04 AND THE STATEWIDE
44 COMPENSATORY INSTRUCTION FUND ESTABLISHED BY SECTION 15-756.11 ARE IN
45 COMPLIANCE WITH TITLE 15, CHAPTER 7, ARTICLE 3.1. The auditor general shall

1 determine, through random selection, the school districts to be audited each
2 year, subject to review by the joint legislative audit committee. A school
3 district that is subject to an audit pursuant to this paragraph shall notify
4 the auditor general in writing as to whether the school district agrees or
5 disagrees with the findings and recommendations of the audit and whether the
6 school district will implement the findings and recommendations, implement
7 modifications to the findings and recommendations or refuse to implement the
8 findings and recommendations. The school district shall submit to the
9 auditor general a written status report on the implementation of the audit
10 findings and recommendations every six months for two years after an audit
11 conducted pursuant to this paragraph. The auditor general shall review the
12 school district's progress toward implementing the findings and
13 recommendations of the audit every six months after receipt of the district's
14 status report for two years. The auditor general may review a school
15 district's progress beyond this two-year period for recommendations that have
16 not yet been implemented by the school district. The auditor general shall
17 provide a status report of these reviews to the joint legislative audit
18 committee. The school district shall participate in any hearing scheduled
19 during this review period by the joint legislative audit committee or by any
20 other legislative committee designated by the joint legislative audit
21 committee.

22 B. The auditor general may:

23 1. Subject to approval by the committee, adopt rules necessary to
24 administer the duties of the office.

25 2. Hire consultants to conduct the studies required by subsection A,
26 paragraphs 6 and 7 of this section.

27 C. If approved by the committee the auditor general may charge a
28 reasonable fee for the cost of performing audits or providing accounting
29 services for auditing federal funds, special audits or special services
30 requested by political subdivisions of the state. Monies collected pursuant
31 to this subsection shall be deposited in the audit services revolving fund.

32 D. The department of transportation, the board of supervisors of a
33 county that has approved a county transportation excise tax as provided in
34 section 42-6104, 42-6106 or 42-6107 and the governing bodies of counties,
35 cities and towns receiving highway user revenue fund monies shall cooperate
36 with and provide necessary information to the auditor general or the auditor
37 general's consultant.

38 E. The department of transportation shall reimburse the auditor
39 general as follows, and the auditor general shall deposit the reimbursed
40 monies in the audit services revolving fund:

41 1. For the cost of conducting the studies or hiring a consultant to
42 conduct the studies required by subsection A, paragraph 6, subdivisions (a)
43 and (b) of this section, from monies collected pursuant to a county
44 transportation excise tax levied pursuant to section 42-6104, 42-6106 or
45 42-6107.

1 2. For the cost of conducting the studies or hiring a consultant
2 pursuant to subsection A, paragraph 6, subdivision (c) and paragraph 7 of
3 this section, from the Arizona highway user revenue fund.

4 Sec. 9. Budget request deadlines

5 A. Notwithstanding section 15-756.03, Arizona Revised Statutes, as
6 added by this act, for fiscal year 2007-2008, school districts and charter
7 schools shall submit structured English immersion budget requests to the
8 department of education on or before December 1, 2006.

9 B. Notwithstanding section 15-756.11, Arizona Revised Statutes, as
10 added by this act, for fiscal year 2006-2007, school districts and charter
11 schools shall submit compensatory instruction budget requests to the
12 department of education on or before July 15, 2006.

13 Sec. 10. Appropriation; compensatory instruction; exemption

14 A. The sum of \$10,000,000 is appropriated from the state general fund
15 in fiscal year 2006-2007 to the department of education for deposit in the
16 statewide compensatory instruction fund established by section 15-756.11,
17 Arizona Revised Statutes, as added by this act, for distribution to school
18 districts and charter schools.

19 B. The appropriation made in subsection A of this section is exempt
20 from the provisions of section 35-190, Arizona Revised Statutes, relating to
21 lapsing of appropriations.

22 Sec. 11. Appropriation; English language acquisition services;
23 exemption

24 A. The sum of \$2,555,000 is appropriated from the state general fund
25 in fiscal year 2005-2006 to the department of education to provide English
26 language acquisition services for the purposes of section 15-756.07, Arizona
27 Revised Statutes, as added by this act, for the costs of providing English
28 language proficiency assessments and scoring and ancillary materials as
29 prescribed by the department of education to school districts and charter
30 schools for the purposes of title 15, chapter 7, article 3.1, Arizona Revised
31 Statutes, as amended by this act, and for the purposes contained within
32 subsection C of this section.

33 B. The department of education may use the monies appropriated
34 pursuant to subsection A of this section to hire staff or contract with a
35 third party to carry out the purposes of section 15-756.07, Arizona Revised
36 Statutes, as added by this act.

37 C. Notwithstanding section 41-192, Arizona Revised Statutes, the
38 superintendent of public instruction may use a portion of the monies
39 appropriated pursuant to subsection A of this section to contract with one or
40 more private attorneys to provide legal services in connection with the case
41 of Flores v. State of Arizona, No. CIV 92-596-TUC-RCC.

42 D. The appropriation made in subsection A of this section is exempt
43 from the provisions of section 35-190, Arizona Revised Statutes, relating to
44 lapsing of appropriations.

1 Sec. 12. Appropriation: English language acquisition services:
2 exemption

3 A. The sum of \$4,610,000 is appropriated from the state general fund
4 in fiscal year 2006-2007 to the department of education to provide English
5 language acquisition services for the purposes of section 15-756.07, Arizona
6 Revised Statutes, as added by this act, for the costs of providing English
7 language proficiency assessments and scoring and ancillary materials as
8 prescribed by the department of education to school districts and charter
9 schools for the purposes of title 15, chapter 7, article 3.1, Arizona Revised
10 Statutes, as amended by this act, and for the purposes contained within
11 subsection C of this section.

12 B. The department of education may use the monies appropriated
13 pursuant to subsection A of this section to hire staff or contract with a
14 third party to carry out the purposes of section 15-756.07, Arizona Revised
15 Statutes, as added by this act, and for the purposes contained within
16 subsection C of this section.

17 C. Notwithstanding section 41-192, Arizona Revised Statutes, the
18 superintendent of public instruction may use a portion of the monies
19 appropriated pursuant to subsection A of this section to contract with one or
20 more private attorneys to provide legal services in connection with the case
21 of Flores v. State of Arizona, No. CIV 92-596-TUC-RCC.

22 D. The appropriation made in subsection A of this section is exempt
23 from the provisions of section 35-190, Arizona Revised Statutes, relating to
24 lapsing of appropriations.

25 Sec. 13. Appropriation: auditor general: evaluation and
26 compliance: exemption

27 A. The sum of \$2,500,000 is appropriated from the state general fund
28 in fiscal year 2006-2007 to the office of the auditor general for the
29 purposes prescribed in section 15-756.12, Arizona Revised Statutes, as added
30 by this act.

31 B. The appropriation made in subsection A of this section is exempt
32 from the provisions of section 35-190, Arizona Revised Statutes, relating to
33 lapsing of appropriations.

34 Sec. 14. Appropriation: ELL funding category

35 The sum of \$80,533,400 is appropriated from the state general fund to
36 the department of education in fiscal year 2006-2007 for deposit in the
37 structured English immersion fund established by section 15-764.04, Arizona
38 Revised Statutes, as added by this act, for distribution of funding pursuant
39 to section 15-756, subsection D, Arizona Revised Statutes, as added by this
40 act, to school districts and charter schools.

41 Sec. 15. Intent

42 A. The legislature declares that even though the legislature has never
43 been named as a party in the litigation in Flores v. State of Arizona,
44 No. CIV 92-596-TUC-RCC, the legislature has substantially increased funding

1 for English language learners since 2000 by increasing the ELL weight by 233
2 per cent.

3 B. The legislature declares that because of the unique geographic and
4 demographic characteristics of this state, it is impossible to compare
5 language acquisition education models and solutions adopted by other states
6 to the needs of this state and inappropriate to automatically adopt such
7 models and solutions.

8 C. The legislature declares that it has grave concerns regarding the
9 validity and reliability of the cost study performed by the National
10 Conference of State Legislatures pursuant to Laws 2001, second special
11 session, chapter 9, section 8. The cost study used what it referred to as
12 the "professional judgment approach" to determine incremental costs for
13 English language learners, yet acknowledged that this kind of approach
14 "depends on the judgments of educational professionals in identifying
15 strategies rather than research that actually shows a linkage between the
16 strategy and student performance".

17 D. Beginning in fiscal year 2006-2007, the legislature intends to
18 replace the current "one size fits all" system of funding the English
19 language learner group B weight by enacting a comprehensive, efficient and
20 cost-effective program of developing research based models of structured
21 English immersion that comply with all state and federal laws for use by
22 school districts and charter schools and funding the incremental costs of the
23 research based models that are in addition to the normal costs of conducting
24 programs for English proficient students. Furthermore, classification of a
25 pupil as an English language learner is fundamentally different than the
26 classification of a pupil as qualified for any other group B weight category.

27 E. The legislature declares that the costs of implementing the new
28 English language learner programs cannot be determined until the Arizona
29 English language learners task force develops the research based models, as
30 required by this act, due to the unique characteristics and demographics of
31 more than two hundred school districts and more than five hundred charter
32 schools in this state.

33 F. The legislature is appropriating additional monies to fund English
34 language learner programs in an effort to provide additional resources to
35 school districts and charter schools for enhanced effectiveness of English
36 language learner programs that comply with all state and federal laws.

37 G. The legislature believes that although the amount of monies spent
38 on English language learners is important, equally important is the way the
39 monies will be spent. For this reason, the legislature appropriated monies
40 for model development, district support and monitoring, and intends that
41 structured English immersion programs be subject to enhanced monitoring and
42 compliance requirements, including effective audit and reporting
43 requirements. The court referred to the three-fold inquiry cited in
44 Castaneda v. Pickard, 648 F.2d 989, 1009-1010 (5th Cir. Unit A June 1981).
45 This inquiry was that the educational theory is recognized as sound, that it

1 was reasonably calculated to implement effectively the educational theory,
2 but finally that the program produces results "indicating that the language
3 barriers confronting students are actually being overcome".

4 Sec. 16. Conditional enactment: English language learner
5 assistance: appropriations: notice

6 A. Section 15-756, Arizona Revised Statutes, as added by this act, and
7 section 14 of this act, relating to appropriations to the department of
8 education, do not become effective unless the United States District court
9 for the district of Arizona in the case of Flores v. State of Arizona, No.
10 CIV 92-596-TUC-RCC, issues an order that, by this act, the state has taken
11 appropriate action to establish a program that addresses the orders in the
12 case and, at least on an interim basis, the court will permit this act to be
13 fully implemented to determine whether the resulting ELL plans and available
14 funding to implement the plans bear a rational relationship to the cost of
15 implementing appropriate language acquisition programs.

16 B. The superintendent of public instruction shall notify the executive
17 director of the Arizona legislative council in writing if the condition
18 prescribed in subsection A of this section is met. This notice shall include
19 the date on which the condition is met.

20 Sec. 17. Emergency

21 This act is an emergency measure that is necessary to preserve the
22 public peace, health or safety and is operative immediately as provided by
23 law.